

24. 10. 1820

ANNALS
OF
THE CONGRESS OF THE UNITED STATES.

THIRD CONGRESS.



THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

THIRD CONGRESS:

COMPRISING THE PERIOD FROM DECEMBER 2, 1793, TO MARCH 3, 1795,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:

PRINTED AND PUBLISHED BY GALES AND SEATON.

.....
1855.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE THIRD CONGRESS, BEGUN AT THE CITY OF
PHILADELPHIA, DECEMBER 2, 1793.

NOTE TO THE READER.

To account for the absence of any Report of *Debates* in the Senate in the Third Congress, it is proper here to repeat that the Senate sat with closed doors during its Legislative as well as its Executive sittings, from the beginning of the first Congress up to the 20th day of February, 1794, when a proposition succeeded, which had frequently before failed, in that body, that the Legislative sittings of the Senate should thenceforth, after the end of that session of Congress, be conducted with open doors and galleries.

MONDAY, December 2, 1793.

This being the day fixed by the Constitution for the annual meeting of Congress, the following members of the Senate appeared, produced their credentials, and took their seats:

JOHN ADAMS, Vice President of the United States and President of the Senate;

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire;

GEORGE CABOT, from Massachusetts;

OLIVER ELLSWORTH, from Connecticut;

MOSES ROBINSON, from Vermont;

AARON BURR, from New York;

JOHN RUTHERFORD, from New Jersey;

ROBERT MORRIS and ALBERT GALLATIN, from Pennsylvania;

JAMES MONROE, from Virginia;

JOHN EDWARDS, from Kentucky;

BENJAMIN HAWKINS, from North Carolina;

RALPH IZARD, from South Carolina.

Mr. LANGDON, the President of the Senate *pro tempore*, administered the oath required by law to the VICE PRESIDENT OF THE UNITED STATES.

The Secretary read the credentials of the following Senators appointed for the terms respectively mentioned therein:

PIERCE BUTLER, from South Carolina;

ALEXANDER MARTIN, from North Carolina;

JOHN YINING, from Delaware.

The VICE PRESIDENT administered the oath required by law to Mr. BUTLER, Mr. GALLATIN, and Mr. MARTIN, respectively, and they took their seats.

STEPHEN MIX MITCHELL, appointed by the State of Connecticut a Senator for two years, in the place of ROGER SHERMAN, deceased, produced his credentials, which being read, the VICE PRESIDENT administered to him the oath required by law, and he took his seat.

The VICE PRESIDENT laid before the Senate the petition of Conrad Laub and others, relative to the appointment of Mr. GALLATIN, a Senator of the

United States; which was read, and ordered to lie on the table.

The VICE PRESIDENT also communicated a letter from GEORGE REID, of Delaware, resigning his seat in the Senate; which was read, and ordered to lie on the table.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

Ordered, That Messrs. IZARD and LANGDON be a joint committee on the part of the Senate, together with such committee as the House of Representatives may appoint, on their part, to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

A message from the House of Representatives informed the Senate that the House had elected FREDERICK A. MUHLENBERG their Speaker, and that they have concurred with the Senate in appointing a joint committee to wait on the PRESIDENT OF THE UNITED STATES.

Mr. IZARD, from the joint committee who had waited on the PRESIDENT, reported that the PRESIDENT would meet the two Houses to-morrow, at 12 o'clock, in the Senate Chamber.

TUESDAY, December 3.

The two Houses being assembled in the Senate Chamber, the PRESIDENT OF THE UNITED STATES entered, and addressed the two Houses of Congress as follows:

*Fellow-citizens of the Senate, and
of the House of Representatives:*

Since the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances

of affectionate partiality with which I have been honored by my country, on the other, it could not prevent an earnest wish for that retirement from which no private consideration should ever have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the people, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the Executive power, and I humbly implore that Being on whose will the fate of nations depends, to crown with success our mutual endeavors for the general happiness.

As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties, and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the Proclamation which will be laid before you was issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

It rests with the wisdom of Congress to correct, improve, or enforce this plan of procedure; and it will probably be found expedient to extend the legal code and the jurisdiction of the Courts of the United States to many cases which, though dependent on principles already recognized, demand some further provisions.

Where individuals shall, within the United States, array themselves in hostility against any of the Powers at war, or enter upon military expeditions or enterprises within the jurisdiction of the United States; or usurp and exercise Judicial authority within the United States; or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate—these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

Whatever those remedies may be, they will be well administered by the Judiciary, who possess a long established course of investigation, effectual process, and officers in the habit of executing it.

In like manner, as several of the Courts have doubted, under particular circumstances, their power to liberate the vessels of a nation at peace, and even of a citizen of the United States, although seized under a false color of being hostile property, and have denied their power to liberate certain captures within the protection of our territory, it would seem proper to regulate their jurisdiction in these points; but, if the Executive is to be the resort in either of the two last-mentioned cases, it is hoped that he will be authorized by law to have facts ascertained by the Courts, when, for his own information, he shall request it.

I cannot recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from them the fulfilment of their duties towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war. The documents which will be presented to you will show the amount and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies cannot with prudence be neglected, as it would leave nothing to the uncertainty of procuring of warlike apparatus in the moment of public danger.

Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of Republican Government. They are incapable of abuse in the hands of the Militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which cannot be too solemnly pursued, whether the act "more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States," has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme; and whether a material feature, in an improvement of it, ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone?

The connexion of the United States with Europe has become extremely interesting. The occurrences which relate to it and have passed under the knowledge of the Executive, will be exhibited to Congress in a subsequent communication.

When we contemplate the war on our frontiers, it may be truly affirmed that every reasonable effort has been made to adjust the causes of dissension with the Indians north of the Ohio. The instructions given to the Commissioners evince a moderation and equity proceeding from a sincere love of peace and a liberality having no restriction but the essential interest and dignity of the United States. The attempt, however, of an amicable negotiation having been frustrated, the troops have marched to act offensively. Although the proposed treaty did not arrest the progress of military preparation, it is doubtful how far the advance of the season, before good faith justified active movements, may retard them, during the remainder of the year. From the papers and intelligence which relate to this important subject, you will determine whether the deficiency in the number of troops granted by law shall be compensated by succors of Militia, or additional encouragements shall be proposed to recruits.

An anxiety has been also demonstrated by the Executive for peace with the Creeks and the Cherokees. The former have been relieved with corn and with clothing, and offensive measures against them prohibited during the recess of Congress. To satisfy the complaints

DECEMBER, 1793.]

Proceedings.

[SENATE]

of the latter, prosecutions have been instituted for the violences committed upon them. But the papers which will be delivered to you, disclose the critical footing on which we stand in regard to both those tribes, and it is with Congress to pronounce what shall be done.

After they shall have provided for the present emergency, it will merit their most serious labors to render tranquility with the savages permanent, by creating ties of interest. Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations, in behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies, with a ready market for the commodities of the Indians, and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such a traffic, unless they be allured by the hope of profit; but it will be enough for the United States to be reimbursed only. Should this recommendation accord with the opinion of Congress, they will recollect that it cannot be accomplished by any means yet in the hands of the Executive.

Gentlemen of the House of Representatives :

The Commissioners charged with the settlement of accounts between the United States and individual States concluded their important functions within the time limited by law, and the balances struck in their Report (which will be laid before Congress) have been placed on the books of the Treasury.

On the first day of June last, an instalment of one million of florins became payable on the Loans of the United States in Holland. This was adjusted by a prolongation of the period of reimbursement, in nature of a new Loan, at an interest of five per cent, for the term of ten years, and the expenses of this operation were a commission of three per cent.

The first instalment of the Loan of two millions of dollars from the Bank of the United States has been paid, as was directed by law. For the second it is necessary that provision should be made.

No pecuniary consideration is more urgent than the regular redemption and discharge of the Public Debt; on none can delay be more injurious, or an economy of time more valuable.

The productiveness of the public revenues hitherto has continued to equal the anticipations which were formed of it, but it is not expected to prove commensurate with all the objects which have been suggested. Some auxiliary provisions will, therefore, it is presumed, be requisite; and it is hoped that these may be made consistently with a due regard to the convenience of our citizens, who cannot but be sensible of the true wisdom of encountering a small present addition to their contributions, to obviate a future accumulation of burdens.

But here I cannot forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the Government of the United States as the affections of the people guided by an enlightened policy; and to this primary good nothing can conduce more than a faithful representation of public proceedings, diffused without restraint, throughout the United States.

An estimate of the appropriations necessary for the current service of the ensuing year, and a statement of a purchase of arms and military stores, made during the recess, will be presented to Congress.

*Gentlemen of the Senate, and
of the House of Representatives :*

The several subjects to which I have now referred open a wide range to your deliberations, and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the Government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But as the Legislative proceedings of the United States, will never, I trust, be reproached for the want of temper or of candor, so shall not the public happiness languish from the want of my strenuous and warmest co operation.

G. WASHINGTON.

PHILADELPHIA, December 3, 1793.

The PRESIDENT having retired, the two Houses separated.

A message from the House of Representatives informed the Senate that they have resolved that two Chaplains of different denominations, be appointed for the present session, one by each House, who shall interchange weekly; to which they desire the concurrence of the Senate.

The Senate concurred with the above proposition, and appointed the Right Reverend Bishop WHITE to be Chaplain on the part of the Senate.

A Message was received from the PRESIDENT OF THE UNITED STATES, communicating his Proclamation of the 22d of April, 1793, together with the Rules established by the PRESIDENT for the government of the Executive Officers, in cases of vessels equipping in the ports of the United States.

The Proclamation and Rules were read, and ordered to lie on the table.

On motion, a committee of five was appointed to report the draft of an Address to the PRESIDENT, in answer to his Speech to both Houses.

MESSRS. ELLSWORTH, BUTLER, IZARD, LANCDON, and RUTHERFORD, were named.

WEDNESDAY, December 4.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, with sundry papers therein referred to; which Letter and papers were, in part, read, and the Senate then adjourned.

THURSDAY, December 5.

FREDERICK FRELINGHUYSEN, from New Jersey, appeared, produced his credentials, and the usual oath being administered to him, took his seat.

The reading of the papers yesterday received from the Secretary of War was resumed; and, after progress, postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate and
of the House of Representatives :*

As the present situation of the several nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things between them and us matter of interesting inquiry to the Legislature, and may indeed give

SENATE.]

Proceedings.

[DECEMBER, 1793.]

rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The Representative and Executive bodies of France have manifested generally a friendly attachment to this country, have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground. A decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize in the vessel of a friend, contrary to our Treaty, though revoked at one time as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on this subject will be immediately given in charge to our Minister there, and the result shall be communicated to the Legislature.

It is with extreme concern I have to inform you that the proceedings of the person whom they have unfortunately appointed their Minister Plenipotentiary here have breathed nothing of the friendly spirit of the nation which sent him; their tendency, on the contrary, has been to involve us in war abroad and discord and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from sentiments of regard to his nation, from a sense of their friendship towards us, from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions, and, I will add, from a reliance on the firmness of my fellow-citizens in their principles of peace and order. In the mean time, I have respected and pursued the stipulations of our treaties, according to what I judged their true sense, and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further: rather than employ force for the restitution of certain vessels, which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties by avowing it to be my opinion that, if restitution were not made, it would be incumbent on the United States to make compensation. The papers now communicated will more particularly apprise you of these transactions.

The vexations and spoliation understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent Powers, appeared to require attention. The proofs of these, however, not having been brought forward, the descriptions of citizens supposed to have suffered were notified that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British Government having undertaken, by orders to the commanders of their armed vessels, to restrain generally our commerce in corn and other provisions to their own ports, and those of their friends, the instructions now communicated were immediately forwarded to our Minister at that Court. In the mean time some discussions on the subject took place between him and them. These are also laid before you, and I may expect to learn the result of his special in-

structions in time to make it known to the Legislature during their present session.

Very early after the arrival of a British Minister here mutual explanations on the inexecution of the Treaty of Peace were entered into with that Minister. These are now laid before you for your information.

On the subjects of mutual interest between this country and Spain, negotiations and conferences are now depending. The public good requiring that the present state of these should be made known to the Legislature *in confidence only*, they shall be the subject of a separate and subsequent communication.

G. WASHINGTON.

UNITED STATES, December 5, 1793.

The Message and papers therein referred to were, in part, read, and the further reading postponed.

The following Report of the Commissioners appointed to execute the several acts of Congress to provide more effectually for the settlement of the Accounts between the United States and the individual States was also received from the PRESIDENT OF THE UNITED STATES :

The Commissioners appointed to execute the several acts of Congress to provide more effectually for the settlement of the Accounts between the United States and the individual States, report:

That they have maturely considered the claims of the several States against the United States, and the charges of the United States against the individual States.

That they have gone through the process prescribed in the fifth section of the act of Congress passed the 5th day of August, 1790, (the particulars whereof will be found in book A, lodged with the papers of this office, in the Treasury Department,) and find that there is due, including interest, to the 31st day of December, 1789, to the State of—

New Hampshire, seventy-five thousand and fifty-five dollars;

Massachusetts, one million two hundred and forty-eight thousand eight hundred and one dollars;

Rhode Island, two hundred and ninety-nine thousand six hundred and eleven dollars;

Connecticut, six hundred and nineteen thousand one hundred and twenty-one dollars;

New Jersey, forty-nine thousand and thirty dollars;

South Carolina, one million two hundred and five thousand nine hundred and seventy-eight dollars;

Georgia, nineteen thousand nine hundred and eighty-eight dollars.

And that there is due, including interest, to the 31st day of December, 1789, from the State of—

New York, two million and seventy-four thousand eight hundred and forty-six dollars;

Pennsylvania, seventy six thousand seven hundred and nine dollars;

Delaware, six hundred and twelve thousand four hundred and twenty-eight dollars;

Maryland, one hundred and fifty-one thousand six hundred and forty dollars;

Virginia, one hundred thousand eight hundred and seventy-nine dollars;

North Carolina, five hundred and one thousand and eighty-two dollars.

Which several sums they, by virtue of the authority

DECEMBER, 1793.]

Proceedings.

[SENATE.]

to them delegated, declare to be the final and conclusive balances due to and from the several States.

WILLIAM IRVINE,
JOHN KEAN,
WOODBURY LANGDON.

OFFICE OF THE COMMISSIONERS OF ACCOUNTS,
Philadelphia, June 29, 1793.

FRIDAY, December 6.

A message from the House of Representatives informed the Senate that they had elected the Rev. ASHBEL GREEN as Chaplain to Congress, on their part.

Mr. ELLSWORTH, from the committee appointed to report the draft of an address to the PRESIDENT OF THE UNITED STATES, made a report; which was read, and ordered for consideration on Monday next.

The Senate resumed the reading of the communications referred to in the Message of the PRESIDENT of the 5th instant; and, after progress, adjourned to Monday.

MONDAY, December 9.

MESSRS. STEPHEN R. BRADLEY, from Vermont, THEODORE FOSTER, from Rhode Island, and RUFUS KING, from New York, appeared and took their seats.

The VICE PRESIDENT laid before the Senate a Letter of the 7th instant, from Samuel Meredith, Treasurer of the United States, with his quarterly accounts, made up to the 31st of March last, together with his accounts respecting the Department of War, made up to the 30th of June last.

The Letter was read.

Ordered, That the Letter and papers therein referred to lie on the table.

Agreeably to the order of the day, the Senate took into consideration the draft of an Address reported by the committee in answer to the Speech of the PRESIDENT OF THE UNITED STATES to Congress at the opening of the session; which, being amended, and the several paragraphs of the report agreed to, it was adopted, as follows:

"To the President of the United States:

"Accept, sir, the thanks of the Senate for your Speech delivered to both Houses of Congress at the opening of the session. Your re-election to the Chief Magistracy of the United States gives us sincere pleasure. We consider it as an event every way propitious to the happiness of our country; and your complaisance with the call, as a fresh instance of the patriotism which has so repeatedly led you to sacrifice private inclination to the public good. In the unanimity which a second time marks this important national act, we trace, with particular satisfaction, besides the distinguished tribute paid to the virtues and abilities which it recognises, another proof of that just discernment and constancy of sentiments and views which have hitherto characterized the citizens of the United States.

"As the European Powers with whom the United States have the most extensive relations were involved in war, in which we had taken no part, it seemed necessary that the disposition of the nation for peace should be promulgated to the world, as well for the purpose of admonishing our citizens of the consequences

of a contraband trade and of acts hostile to any of the belligerent parties, as to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities of our situation; we, therefore, contemplate with pleasure the proclamation by you issued, and give it our hearty approbation. We deem it a measure well-timed and wise, manifesting a watchful solicitude for the welfare of the nation, and calculated to promote it.

"The several important matters presented to our consideration will, in the course of the session, engage all the attention to which they are respectively entitled; and, as the public happiness will be the sole guide of our deliberations, we are perfectly assured of receiving your strenuous and most zealous co-operation.

"JOHN ADAMS.

*"Vice President of the United States,
and President of the Senate."*

Ordered, That MESSRS. ELLSWORTH and BUTLER wait on the PRESIDENT OF THE UNITED STATES, and desire him to acquaint the Senate at what time and place it will be most convenient for him that the foregoing address should be presented.

TUESDAY, December 10.

JOHN BROWN, from the State of Kentucky, attended to-day.

Mr. ELLSWORTH reported, from the committee appointed yesterday to wait on the PRESIDENT OF THE UNITED STATES, that the PRESIDENT proposed to receive the Address of the Senate this day, at 12 o'clock, at his own house. Whereupon, the Senate waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, presented the address agreed to on the 9th instant. To this Address the PRESIDENT OF THE UNITED STATES was pleased to make the following Reply:

"GENTLEMEN: The pleasure expressed by the Senate on my re-election to the station which I fill, commands my sincere and warmest acknowledgments. If this be an event which promises the smallest addition to the happiness of our country, as it is my duty, so shall it be my study, to realize the expectation.

"The decided approbation which the Proclamation now receives from your House, by completing the proofs that this measure is considered as manifesting a vigilant attention to the welfare of the United States, brings with it a peculiar gratification to my mind.

"The other important subjects which have been communicated to you will, I am confident, receive a due discussion; and the result will, I trust, prove fortunate to the United States.

"G. WASHINGTON."

The Senate then returned to their Chamber, and resumed the reading of the papers communicated in the Message of the PRESIDENT OF THE UNITED STATES of the 5th instant, but adjourned before they were got through.

WEDNESDAY, December 11.

CALEB STRONG, from Massachusetts, attended to-day.

The credentials of Mr. BROWN and Mr. STRONG

SENATE.]

Proceedings.

[DECEMBER, 1793.]

were read, the usual oath administered to them, and they took their seats.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his specie account, made up to the 30th of June last; which was read, and ordered to lie on the table.

Ordered, That Messrs. RUTHERFORD, CABOT, ELLSWORTH, LIVERMORE, and MITCHELL, be a committee to take into consideration the petition of Conrad Laub and others, stating that the Hon. ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution, and report thereon to the Senate.

The Senate resumed the reading of the papers referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 5th instant; and, after progress, adjourned.

FRIDAY, December 13.

WILLIAM BRADFORD, from Rhode Island, and JOHN TAYLOR, from Virginia, attended, produced their credentials, and took the usual oath and their seats.

The Senate resumed the reading of the papers communicated with the Message of the PRESIDENT on the 5th instant; and the Message and papers therein referred to were ordered to lie for consideration.

MONDAY, December 16.

JAMES JACKSON, from Georgia, attended, produced his credentials, and, the oath required by law being administered to him, he took his seat in the Senate.

The Communications from the Secretary of the Department of War, of the 4th instant, were read, and ordered to lie for consideration.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of War, with a return of the ordnance, arms, and military stores, in possession of the United States, together with a variety of papers, giving a view of the Southwestern frontiers, as connected with the Creek Indians and the State of Georgia, and the Southwestern territory of the United States and the Cherokees; which Letter was read.

Ordered, That the Letter and papers therein referred to lie on the table.

The following Messages were received from the PRESIDENT OF THE UNITED STATES, and read:

*Gentlemen of the Senate, and
of the House of Representatives:*

The situation of affairs in Europe, in the course of the year 1790, having rendered it possible that a moment might arrive favorable for the arrangement of our unsettled matters with Spain, it was thought proper to prepare our Representative at that Court to avail us of it. A confidential person was therefore despatched to be the bearer of instructions to him, and to supply, by verbal communications, any additional information of which he might find himself in need. The Government of France was, at the same time, applied to for its aid and influence in this negotiation. Events, how-

ever, took a turn which did not present the occasion hoped for.

About the close of the ensuing year I was informed, through the Representatives of Spain here, that their Government would be willing to renew at Madrid the former conferences on these subjects. Though the transfer of scene was not what would have been desired, yet I did not think it important enough to reject the proposition; and, therefore, with the advice and consent of the Senate, I appointed Commissioners Plenipotentiary for negotiating and concluding a Treaty with that country, on the several subjects of boundary, navigation, and commerce, and gave them the instructions now communicated. Before these negotiations, however, could be got into train, the new troubles which had arisen in Europe had produced new combinations among the Powers there, the effects of which are but too visible in the proceedings now laid before you.

In the meantime some other points of discussion had arisen with that country, to wit: the restitution of property escaping into the territories of each other, the mutual exchange of fugitives from justice, and, above all, the mutual interferences with the Indians lying between us. I had the best reason to believe that the hostilities threatened and exercised by the Southern Indians on our border were excited by the agents of that Government. Representations were thereon directed to be made by our Commissioners to the Spanish Government, and a proposal to cultivate, with good faith, the peace of each other with those people. In the mean time corresponding suspicions were entertained, or pretended to be entertained on their part, of like hostile excitements by our agents to disturb their peace with the same nations. These were brought forward by the Representatives of Spain here, in a style which could not fail to produce attention. A claim of patronage and protection of those Indians was asserted; a mediation between them and us by that Sovereign assumed; their boundaries with us made a subject of his interference; and, at length, at the very moment when these savages were committing daily inroads upon our frontier, we were informed by them that "the continuation of the peace, good harmony, and perfect friendship of the two nations was very problematical for the future, unless the United States should take more convenient measures, and of greater energy, than those adopted for a long time past."

If their previous correspondence had worn the appearance of a desire to urge on a disagreement, this last declaration left no room to evade it, since it could not be conceived we would submit to the scalping knife and tomahawk of the savage without any resistance. I thought it time, therefore, to know if these were the views of their Sovereign, and despatched a special messenger with instructions to our Commissioners, which are among the papers now communicated. Their last letter gives us reason to expect very shortly to know the result. I must add that the Spanish Representatives here, perceiving that their last communication had made considerable impression, endeavored to abate this by some subsequent professions, which, being also among the communications to the Legislature, they will be able to form their own conclusions.

GEORGE WASHINGTON.

UNITED STATES, December 16, 1793.

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you a Report of the Secretary of State on the measures which have been taken on behalf of

DECEMBER, 1793.]

Proceedings.

[SENATE.]

the United States for the purpose of obtaining a recognition of our treaty with Morocco, and for the ransom of our citizens, and establishment of peace with Algiers.

While it is proper our citizens should know that subjects which so much concern their interests and their feelings have duly engaged the attention of their Legislature and Executive, it would still be improper that some particulars of this communication should be made known. The confidential conversation stated in one of the last letters, sent herewith, is one of these. Both justice and policy require that the source of that information should remain secret. So a knowledge of the sums meant to have been given for peace and ransom might have a disadvantageous influence on future proceedings for the same objects.

G. WASHINGTON.

UNITED STATES, December 16, 1793.

These Messages were ordered to lie for consideration.

The VICE PRESIDENT laid before the Senate the following Report, to wit:

"The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to Congress, as follows:

"That, pursuant to the act entitled 'An act making further provision for the reduction of the Public Debt,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have, since their report of the 17th of November, 1792, caused purchases of the said Debt to be made, through the agency of Samuel Meredith and Jonathan Burrall, respectively, to the amount of \$523,735 21 in stock, for which there have been paid, in specie, \$426,842 75. That, pursuant to the act entitled 'An act supplementary to the act making provision for the Debt of the United States,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have also caused purchases of the said Debt to be made subsequent to their said report of the 17th of November, 1792, to the amount of \$122,538 14 in stock, for which there have been paid \$75,660 87, in specie. That the several documents accompanying this report marked Aa, Ba, and Nos. 1 to 7, with their enclosures, show the aforesaid purchases, generally and in detail, including the places where, the time when, the prices at which, and the persons to whom, they have been made. That the purchases now and heretofore reported amount, together, to \$2,019,193 10 in stock, for which there have been paid \$1,394,664 40, in specie, as will be more particularly seen by the document aforesaid marked Aa. On behalf of the Board:

"JOHN ADAMS.

"PHILADELPHIA, December 16, 1793."

The Report was read, and, together with the papers therein referred to, ordered to lie on the table.

TUESDAY, December 17.

JOHN VINING, from Delaware, appeared, and, the oath required by law being, by the VICE PRESIDENT, administered to him, he took his seat in the Senate.

The Communications received from the PRESIDENT OF THE UNITED STATES on the 16th instant

relative to the negotiations with the Court of Spain, were in part read; and, after progress, the Senate adjourned.

WEDNESDAY, December 18.

The Communications received from the PRESIDENT OF THE UNITED STATES on the 16th instant, relative to the negotiations with the Court of Spain, were read, and ordered to lie for consideration.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of War, of this date, communicating further information relative to the Southwestern frontiers; which Letter and papers were read, and ordered to lie on the table.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, of the 16th instant, with a report on the privileges and restrictions on the commerce of the United States in foreign countries; which were read, and ordered to lie for consideration.

THURSDAY, December 19.

The Communications received from the Secretary of the Department of War on the 16th instant, relative to further information respecting the Southwestern frontiers, were in part read; and, after progress, the Senate adjourned.

FRIDAY, December 20.

The Senate resumed the reading of the Communications from the Secretary of the Department of War on the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

MONDAY, December 23.

Mr. BRADLEY notified the Senate that, on Wednesday next, he should move for leave to bring in a bill for altering the Flag of the United States.

The Senate resumed the reading of the Communications from the Secretary of the Department of War, on the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

TUESDAY, December 24.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

"Gentlemen of the Senate, and
of the House of Representatives:

"Since the communications which were made to you on the affairs of the United States with Spain, and on the truce between Portugal and Algiers, some other papers have been received, which, making a part of the same subjects, are now communicated for your information.

G. WASHINGTON.

"UNITED STATES, December 23, 1793."

The Message and papers referred to were read, and ordered to lie for consideration.

SENATE.]

Proceedings.

[JANUARY, 1794.]

Mr. BUTLER notified the Senate that he should, on some day the next week, request leave to bring in a bill in addition to the act, entitled "An act to incorporate the subscribers to the Bank of the United States."

The following motion was made and seconded, to wit: That the Constitution be amended by adding, at the end of the ninth section of the first article, the following clause:

"Nor shall any person holding any office or stock in any institution in the nature of a Bank for issuing or discounting bills or notes payable to bearer or order, under the authority of the United States, be a member of either House whilst he holds such office or stock; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be herein implied."

And it was agreed that this motion should lie for consideration:

Ordered, That Messrs. STRONG, ELLSWORTH, and KING, be a committee to take into consideration that part of the PRESIDENT'S Speech which recommends a further provision against offences.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned to Thursday next.

THURSDAY, December 26.

Agreeably to notice given on the 23d instant, Mr. BRADLEY obtained leave to bring in a bill making an alteration in the Flag of the United States; and the bill was read the first time, and ordered to a second reading.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

FRIDAY, December 27.

The Senate proceeded to the second reading of the bill making an alteration in the Flag of the United States; and, having amended the same, the bill was ordered to a third reading.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers.

Ordered, That the communications lie for consideration.

MONDAY, December 30.

The bill making an alteration in the Flag of the United States, was read the third time, and passed.

The petition of James and William Smith, of the State of Georgia, for themselves, and in behalf of the heirs of James Smith, was presented and read, praying for remedy and assistance in respect to certain losses sustained by the Creek Indians.

Ordered, That this petition, together with the communications, from the Secretary of the Department of War, respecting Indian Affairs, be referred to Messrs. JACKSON, STRONG, BURR, BUTLER, and LANGDON, to consider and report thereon.

TUESDAY, December 31.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you, for your consideration, a Letter from the Secretary of State, informing me of certain impediments which have arisen to the coinage of the precious metals at the Mint.

As also a Letter from the same officer, relative to certain advances of money which have been made on public account. Should you think proper to sanction what has been done, or be of opinion that any thing more shall be done in the same way, you will judge whether there are not circumstances which would render secrecy expedient.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

*Gentlemen of the Senate, and
of the House of Representatives:*

I communicate to you the translation of a Letter received from the Representatives of Spain here, in reply to that of the Secretary of State to them, of the 21st instant, which had before been communicated to you.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

The Messages and papers therein referred to were severally read, and ordered to lie for consideration.

Mr. RUTHERFURD reported, from the committee to whom was referred the petition of Conrad Laub and others, stating that the Hon. ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution; which report was read, and ordered to lie for consideration.

WEDNESDAY, January 1, 1794.

The Senate proceeded to the consideration of the report of the committee to whom was referred the petition of Conrad Laub and others.

On motion to postpone the consideration of the report until to-morrow, it was agreed to amend this motion, by striking out the words "to-morrow," and to insert, in lieu thereof, "Thursday, the 9th instant."

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I now lay before you a Letter from the Secretary of State, with his account of the expenditure of the moneys appropriated for our intercourse with foreign nations from the 1st of July, 1792, to the 1st of July, 1793, and other papers relating thereto.

G. WASHINGTON.

UNITED STATES, December 31, 1793.

JANUARY, 1794.]

Proceedings.

[SENATE.]

The Message and papers therein referred to were severally read, and ordered to lie for consideration.

THURSDAY, January 2.

A motion was made that it be—

“Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

“The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.”

On which a motion was made as follows:

“Resolved, That the consideration of this motion be postponed, and that the Senate will, on the 10th instant, take into consideration the subject of amendments to the Constitution.”

Whereupon it was agreed to divide the motion for amendment, and the first clause was adopted, to wit:

“That the consideration of the original motion be postponed.”

And, the latter clause of the motion for postponement being amended, it was

Resolved, That the Senate will, on the 13th instant, take into consideration the subject of amendments to the Constitution.

FRIDAY, January 3.

A motion was made and seconded, that the Secretary of the Treasury lay before the Senate the following returns, to wit:

A statement of the goods, wares, and merchandise, exported from the several States from the 1st of July, 1792, to the 1st of July, 1793, specifying the quantities and value of each kind, and the several countries to which the same have respectively been exported.

A statement of the goods, wares, and merchandise, imported into the several States for the same period, specifying the quantities and the prime cost, and dutied value of each kind, and the several countries from which the same have respectively been imported.

A statement of the tonnage of foreign vessels entered into the several States during the same period, specifying the several countries to which the said vessels respectively belong.

A statement of the tonnage of the United States' vessels entered into the several States during the same period, distinguishing those employed in fisheries, in the coasting and in the foreign trade, and specifying the several countries from which the said vessels employed in said trade came.

Ordered, That this motion lie for consideration.

MONDAY, January 6.

The Senate met to-day, but done no business.

TUESDAY, January 7.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

Experience has shown that it would be useful to have an officer particularly charged, under the direction of the Department of War, with the duties of receiving, safe-keeping, and distributing the public supplies, in all cases in which the laws and the course of service do not devolve them upon other officers; and, also, with that of superintending, in all cases, the issues, in detail, of supplies, with power, for that purpose, to bring to account all persons intrusted to make such issues, in relation thereto.

An establishment of this nature, by securing a regular and punctual accountability for the issues of public supplies, would be a great guard against abuse, would tend to insure their due application, and to give public satisfaction on that point.

I therefore recommend to the consideration of Congress the expediency of an establishment of this nature, under such regulations as shall appear to them advisable.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you an official statement of the expenditure to the end of the year 1793, from the sum of ten thousand dollars, granted to defray the contingent expenses of Government, by an act passed on the 26th of March, 1790.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

The Messages and paper referred to in the last-recited Message, were severally read, and ordered to lie for consideration.

WEDNESDAY, January 8.

Ordered, That the Message of the PRESIDENT OF THE UNITED STATES, of the 7th instant, respecting the usefulness of an officer particularly charged with the duties of receiving, safe-keeping, and distributing the public supplies in certain cases, be referred to Messrs. ELLSWORTH, TAYLOR, and BRADLEY, to consider and report thereon to the Senate.

The following motion was made and seconded:

Ordered, That the Secretary of the Treasury do lay before this House the following statements, to wit:

First. A statement of the Domestic Debt of the United States, as due on the 1st day of January, 1794, specifying under distinct heads—

1st. The Funded Debt, distinguishing the six per cents, three per cents, and deferred stock, and in each kind of stock, stating, separately, the amount created by the assumption of the State Debts.

2d. The Registered Debt.

3d. The Debt subscribable to the Loan of the United States, but which, not being funded or registered at the Treasury, is not entitled to a dividend.

4th. The balances due to creditor States and already funded, (if there be any such,) being the excess of the sum respectively by law assumed, for such States, above the sums actually subscribed in the Debts of the said States.

SENATE.]

Proceedings.

[JANUARY, 1794.]

5th. The Domestic Loans for cash, contracted since the commencement of the present Government, stating the respective times when borrowed, and when becoming due, together with the rate of interest.

6th. All other kinds of Domestic Debts not specially included under the five preceding heads, for the payment of which no appropriations have been made.

Second. A statement of the Domestic Debt redeemed since the commencement of the present Government to the first day of January, 1794, distinguishing the different species of Debt, and specifying the mode of redemption, and, when redeemed for money, the amount of moneys expended in purchasing the same.

Third. A general statement of the Foreign Debt of the United States, as due on the first day of January, 1794, stating separately the French Debt, the other Debts contracted before the commencement of the present Government, and the Loans contracted since that time; and specifying, in each Debt or Loan, the original amount, the time from which the interest commenced, the payments already made, with the dates of the same, and the places where paid, the amount yet due, and the respective times when the same shall become due.

Fourth. A specific account of the application of the moneys obtained upon Foreign Loans contracted since the commencement of the present Government, to the first day of January, 1794, stating the amount of the moneys drawn over to America, and of those applied in Europe, together with the dates of such applications or drafts.

Fifth. A summary statement of the actual receipts and expenditures, from the commencement of the present Government to the last day of December, 1790, including all moneys received on account of the United States, such parts of the Foreign Loans as have not been drawn over to America only excepted; distinguishing the moneys received under each branch of the revenue, and the moneys expended under each appropriation, and stating the balances of each branch of the revenue remaining unexpended on the 31st day of December, 1790; specifying, separately, such balances as were on that day in the Treasury, and such as were uncollected, or in hands of any banks, officers, or other persons.

Sixth. Similar and separate statements for the years 1791, 1792, and 1793, respectively, specifying separately in each statement under each branch of the revenue, the moneys received on account of the revenue of that year, and those received on account of the revenue of each preceding year; and stating, so far as the same is now practicable, the amount of all moneys, bonds, or securities, on hand on the first day of January, 1794, with the times of payment of such bonds or securities.

Ordered, That this motion lie for consideration.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill sent from the Senate for concurrence, entitled "An act making an alteration in the Flag of the United States."

THURSDAY, January 9.

Agreeably to the order of the day, the Senate took into consideration the report of the committee on the petition of Conrad Laub and others, respecting the appointment of ALBERT GALLATIN to be a Senator of the United States.

On motion,

Ordered, That the further consideration of the report be postponed until to-morrow.

A motion was made, that the following amendment be recommended to the Legislatures of the respective States as part of the Constitution of the United States, two-thirds of both Houses agreeing thereto:

"The powers of the Government of the United States shall not extend to curtail or abridge the limits of the United States, as defined in the Treaty of Peace between Great Britain and the said States, dated at Paris, the third day of September, 1783, nor shall the State rights of pre-emption to Indian hunting grounds, within the respective limits, after a fair treaty and sale, be questioned."

Ordered, That this motion lie on the table.

FRIDAY, January 10.

The Senate resumed the consideration of the report of the committee on the petition of Conrad Laub and others, respecting the appointment of ALBERT GALLATIN a Senator of the United States; which report is as follows:

The committee, to whom was referred the petition of Conrad Laub and others, stating that ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution, report:

"That the committee have conferred with Mr. Michael Schmyser, agent for the petitioners, and with Mr. GALLATIN; that Mr. Schmyser has declared that the petitioners are ready to adduce proofs in support of the petition at such time as the Senate may think proper to appoint; that Mr. GALLATIN states no objection to the trial's commencing at an early day. The committee therefore recommend that the Senate agree to the following resolution:

"Resolved, That — be assigned for bearing the petition of Conrad Laub and others, respecting Mr. GALLATIN's right to a seat in the Senate, and that Messrs. GALLATIN and Schmyser be furnished with a copy of this resolution."

On motion, it was agreed to postpone the report of the committee, and to take into consideration the following resolution:

"Resolved, That a Committee of Elections, to consist of seven, be appointed to report rules for receiving petitions and conducting inquiries relative to the qualifications of a Senator; and that the petition of Conrad Laub and others be referred to the same committee, to state the facts, and that they be authorized to send for persons and papers."

On which a motion was made and seconded to postpone this motion and to take up the following:

"That — be a committee to ascertain and state to the Senate the facts relative to the time when ALBERT GALLATIN became a citizen of the United States, and that the said committee have power to send for persons and papers."

Whereupon, a motion was made and seconded to postpone the preceding, and to take into consideration the following motion:

"Resolved, That a Committee of Elections be appointed, and that the petition of Conrad Laub and

JANUARY, 1794.]

Proceedings.

[SENATE.]

others be referred to it, to report their opinion on the merits of the said petition."

And, after debate, the Senate adjourned.

MONDAY, January 13.

The Senate resumed the consideration of the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States.

On motion,

Ordered, That a Committee of Elections, to consist of seven, be appointed, and that the petition of Conrad Laub and others be referred, without prejudice as to any questions which may, upon the hearing, be raised by the sitting member, as to the sufficiency of the parties and the matter charged in the petition, to the same committee, to state the facts, and that they be authorized to send for persons and papers; also, that Messrs. BRADLEY, ELLSWORTH, MITCHELL, RUTHERFORD, BROWN, LIVERMORE, and TAYLOR, be this committee.

Agreeably to the order of the day, the Senate took into consideration the subject of amendments to the Constitution of the United States; and it was agreed to consider at this time the following motion:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

And, after debate, the further consideration thereof was postponed until to-morrow.

Ordered, That the further consideration of the motions of the 24th of December last, and the 9th of January instant, on the subject of amendments to the Constitution of the United States, be postponed until to-morrow, and that the several motions on this subject be printed for the use of the Senate.

The Senate resumed the consideration of the motion made the third instant, respecting certain statements from the Secretary of the Treasury; and, having agreed to sundry amendments thereon, it was adopted, as follows:

Ordered, That the Secretary of the Treasury lay before the Senate a statement of the goods, wares, and merchandise, exported from the several States from the first day of July, 1792, to the 30th day of June, 1793; specifying the quantities and value of each kind, and the several countries to which the same have respectively been exported.

Statements of the goods, wares, and merchandise imported into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; specifying, for each period sepa-

ately, the quantities and the prime cost and dutied values of each kind, and the several countries from which the same have respectively been imported.

Statements of the tonnage of foreign vessels, entered into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; specifying, for each period separately, the several countries to which the said vessels respectively belong.

Statements of the tonnage of the United States' vessels, entered into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; distinguishing, for each period separately, those employed in fisheries, in the coasting and in the foreign trade, and specifying the several countries from which the said vessels employed in the foreign trade came.

TUESDAY, January 14.

Agreeably to the order of the day, the Senate took into consideration the motion made yesterday for an amendment to the Constitution of the United States, respecting the Judicial power thereof.

On motion by Mr. GALLATIN, that the motion be amended to read as follows:

"The Judicial power of the United States, except in cases arising under treaties made under the authority of the United States, shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."

It passed in the negative.

On motion, that the motion be amended to read as follows:

"The Judicial power of the United States extends to all cases in law and equity in which one of the United States is a party; but no suit shall be prosecuted against one of the United States by citizens of another State, or by citizens or subjects of a foreign State, where the cause of action shall have arisen before the ratification of this amendment."

It passed in the negative.

And on the question to agree to the resolution as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."

It passed in the affirmative—yeas 23, nays 2, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Butler, Cabot, Edwards, Ellsworth, Foster, Frelinghuys-

SENATE.]

sen, Hawkins, Jackson, Izard, King, Langdon, Livermore, Martin, Mitchell, Monroe, Robinson, Strong, Taylor, and Vining.

YAYS.—Messrs. Gallatin and Rutherford.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this resolution.

The Senate proceeded to the consideration of the following motion, viz :

"That the Constitution be amended by adding, at the end of the 9th section of the 1st article, the following clause :

"Nor shall any person, holding any office or stock in any institution in the nature of a Bank, for issuing or discounting bills or notes payable to bearer or order, under the authority of the United States, be a member of either House whilst he holds such office or stock ; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied."

And, after debate, the further consideration of this motion was postponed until to-morrow.

WEDNESDAY, January 15.

The following Message was received from the **PRESIDENT OF THE UNITED STATES** :

*Gentlemen of the Senate, and
of the House of Representatives :*

I lay before you, as being connected with the correspondence already in your possession, between the Secretary of State and the Minister Plenipotentiary of the French Republic, the copy of a Letter from that Minister of the 25th of December, 1792, and a copy of the proceedings of the Legislature of the State of South Carolina.

G. WASHINGTON.

UNITED STATES, January 15, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The Senate resumed the consideration of the motion made yesterday for an amendment to the Constitution of the United States, inhibiting the holders of any office or stock in the Bank of the United States from a seat in either House of Congress.

On motion to amend the motion, to be read as follows :

"Nor shall any person holding any office in any institution in the nature of a Bank, under the authority of the United States, be a member of either House whilst he holds such office ; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied."

And, after debate, the further consideration thereof was postponed until to-morrow.

THURSDAY, January 16.

The Senate resumed the consideration of the motion made yesterday, to amend the motion under consideration the 14th instant, for an amendment to the Constitution of the United States, inhibiting the holders of any office or stock in the Bank of the United States from a seat in either House of Congress.

On motion to amend the amendment, so that it be read as follows :

"Nor shall any person holding any office in the Bank of the United States be a member of either House whilst he holds such office ; but no power to grant any charter of incorporation, or any commercial or other monopoly shall be hereby implied."

It passed in the affirmative yeas 13, nays 12, as follows :

YAYS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Izard, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, King, Langdon, Livermore, Mitchell, Morris, Strong, and Vining.

On motion it was agreed to expunge the following clause of the motion last adopted :

"But no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied : " and,

On the question to agree to the motion, amended as follows :

"Nor shall any person holding any office in the Bank of the United States be a member of either House whilst he holds such office."

It passed in the negative, yeas 12, nays 13—as follows :

YAYS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, King, Langdon, Livermore, Mitchell, Morris, Strong, and Vining.

On motion it was agreed that the further consideration of amendments to the Constitution of the United States be postponed.

The following Message was received from the **PRESIDENT OF THE UNITED STATES** :

*Gentlemen of the Senate, and
of the House of Representatives :*

I transmit, for your information, certain intelligence lately received from Europe, as it relates to the subject of my past communications.

G. WASHINGTON.

UNITED STATES, January 16, 1794.

The Message and papers referred to were read, and ordered to lie for consideration.

Ordered, That the Secretary of the Department of State be requested to lay before the Senate a translation of the Act of Navigation passed by the National Convention of France, communicated this day in the original.

Agreeably to notice given, Mr. BUTLER obtained leave to bring in a bill to amend the act, entitled "An act to incorporate the subscribers to the Bank of the United States;" which was read the first time.

On motion that this bill have a second reading, in the words following, to wit :

Whereas it is inexpedient that the Government of the United States should continue to hold any stock in the Bank of the United States, or have any political connexion with the said Bank, or any other connexion with it, otherwise than in common with other banks within the United States :

JANUARY, 1794.]

Proceedings.

[SENATE.]

1st. *Be it therefore enacted by the Senate and House of Representatives in Congress assembled, and by the authority of the same,* That the 11th and 16th articles of the 7th section, and the 9th section, of the act, entitled "An act to incorporate the subscribers to the Bank of the United States," be, and the same are hereby, repealed.

2d. *Be it further enacted,* That the President of the United States be, and he is hereby, authorized to dispose of, by sale, in such manner as he shall deem most conducive to the public interest, and as soon as may be after the passing of this act, all the interest or stock which the public were possessed of, or entitled to, in the said Bank, by virtue of their subscription to the same, in conformity to the 11th section of said act, the proceeds of which sales shall be disposed of as hereafter directed. And whereas it is desirable that the Debt due by the United States to the said Bank, by virtue of the subscription aforesaid, should be discharged at as early a period as may be, as well that the parties interested in the institution may become possessed of the funds, by which it is designed to be constituted, as the public completely exonerated from all claims or demands on that account.

3d. *Be it further enacted,* That the President of the United States be, and he is hereby, authorized to cause to be adjusted, if practicable, with the Directors of said Bank, upon such terms as shall be deemed just and reasonable, the balance which may be due by the United States to said Bank by virtue of said subscription, and the amount to be paid off, at such time or times as shall be agreed on, out of the proceeds of the sales of said stock: *Provided, nevertheless,* That nothing herein contained shall be construed to imply any obligation on the said Directors to accept of any adjustment, or payments, other than contained in, and specified by, the act aforesaid.

4th. *And be it further enacted,* That, if any surplus or balance shall remain from the sales aforesaid, after such adjustment with, or payment to, the Directors aforesaid, such balance shall be, and is hereby, applied to.

It passed in the negative, yeas 12, nays 13—as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, King, Langdon, Livermore, Mitchell, Morris, Stroug, and Vining.

On motion, by Mr. MARTIN, that the Senate adopt the following resolutions:

"*Resolved,* That, in all representative Governments, the Representatives are responsible for their conduct to their constituents, who are entitled to such information that a discrimination and just estimate be made thereof.

"*Resolved,* That the Senate of the United States, being the Representatives of the sovereignties of the individual States, whose basis is the people, owe equal responsibility to the Powers by which they are appointed, as if that body were derived immediately from the people, and that all questions and debates, arising thereupon in their Legislative and Judiciary capacity ought to be public.

"*Resolved,* That the mode adopted by the Senate of publishing their Journals, and extracts from them, in newspapers, is not adequate to the purpose of circulating satisfactory information. While the principles and designs of the individual members are withheld from pub-

lic view, responsibility is destroyed, which, on the publicity of their deliberations, would be restored; the constitutional powers of the Senate become more important, in being more influential over the other branch of the Legislature; abuse of power, mal-administration of office, more easily detected and corrected; jealousies, rising in the public mind from secret Legislation, prevented, and greater confidence placed by our fellow-citizens in the National Government, by which their lives, liberties, and properties, are to be secured and protected.

"*Resolved, therefore,* That it be a standing rule, that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as in their judgment may require secrecy; and that this rule commence on — day of —."

Ordered, That this motion lie for consideration, and that, in the mean time, the proposed resolutions be printed for the use of the Senate.

FRIDAY, January 17.

The Senate resumed the consideration of the subject of amendments to the Constitution of the United States; and, after debate, on motion, it was agreed that the further consideration thereof be postponed.

Agreeably to the order of the day, the Senate proceeded to the consideration of the motion made yesterday, that the doors of the Senate Chamber remain open under certain restrictions; and, on motion, it was agreed that the further consideration thereof be postponed until Wednesday next.

On motion, that the Senate adopt the following order:

"That the Secretary of State be directed to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of Secretary of State."

Ordered, That this motion lie until Monday next.

The Senate resumed the consideration of the motion of the 8th of January, instant, that the Secretary of the Treasury lay before the Senate certain statements of the Public Debt; and,

Ordered, That the further consideration thereof be postponed until Monday next.

MONDAY, January 20.

The petition of Thomas Person and others, a committee on behalf of themselves and the other purchasers of lands in the ceded Territory South of the Ohio, referring to a petition presented to the Legislature of the State of North Carolina, praying for redress of certain matters therein contained, was presented and read.

Ordered, That this petition lie on the table.

On motion, it was agreed that the motion made on the 17th instant, that the Secretary for the Department of State be directed to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, should be further postponed.

The consideration of the motion made on the

SENATE.]

Proceedings.

[JANUARY, 1794.]

8th instant, that the Secretary for the Department of the Treasury be requested to lay before the Senate certain statements of the Public Debt, was resumed; and being amended, was adopted, as follows:

Ordered, That the Secretary of the Treasury do lay before this House the following statements, to wit:

First. A statement of the Domestic Debt of the United States as due on the 1st day of January, 1794, specifying, under distinct heads—

1st. The Funded Debt, distinguishing the six per cents, three per cents, and Deferred Stock, and in each kind of stock stating, separately, the amount created by the assumption of the State Debts.

2d. The Registered Debt.

3d. The Debt subscribable to the Loan of the United States, but which, not being funded or registered at the Treasury, is not entitled to a dividend.

4th. The balances due to creditor States and already funded, if there be any such, being the excess of the sums respectively by law assumed for such States, above the sums actually subscribed in the Debts of the said States.

5th. The Domestic Loans for cash contracted since the commencement of the present Government, stating the respective times when borrowed and when becoming due, together with the rate of interest.

6th. All other kinds of Domestic Debts not specially included under the five preceding heads, for the payment of which, no appropriations have been made.

Second. A statement of the Domestic Debt redeemed since the commencement of the present Government, to the first day of January, 1794; distinguishing the different species of Debt, and specifying the mode of redemption, and, when redeemed for money, the amount of moneys expended in purchasing the same.

Third. A general statement of the Foreign Debt of the United States as due on the 1st day of January, 1794; stating, separately, the French Debt, the other Debts contracted before the commencement of the present Government, and the Loans contracted since that time; and specifying, in each Debt or Loan, the original amount, the time from which the interest commenced, the payments already made, with the dates of the same, and the places where paid, the amount yet due, and the respective times when the same shall become due.

Fourth. A specific account of the application of the moneys obtained upon Foreign Loans, contracted since the commencement of the present Government, to the 1st day of January, 1794, stating the amount of the moneys drawn over to America, and those applied in Europe, together with the dates of such applications or drafts.

Fifth. A summary statement of the actual receipts and expenditures from the commencement of the present Government to the last day of December, 1790, including all moneys received on account of the United States, such parts of the Foreign Loans as have not been drawn over to America only excepted; distinguishing the moneys received under each branch of the revenue, and the moneys expended under each appropriation, and stating the balances of each branch of the revenue remaining unexpended on the 31st day of December, 1790; specifying separately such balances as were on that day in the Treasury, and such as were uncollected or in the hands of any banks, officers, or other persons.

Sixth. Similar and separate statements for the years 1791, and 1792, respectively, and, so far as the same is now practicable, for the year 1793; specifying, sepa-

rately, in each statement, under each branch of the revenue, the moneys received on account of the revenue of that year and those received on account of the revenue of each preceding year, and stating, so far as the same is now practicable, the amount of all moneys, bonds or securities, on hand, on the first day of January, 1794, with the times of payment of such bonds or securities.

TUESDAY, JANUARY 21.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

Having already laid before you a Letter of the 16th of August, 1793, from the Secretary of State to our Minister at Paris, stating the conduct and urging the recal, of the Minister Plenipotentiary of the Republic of France, I now communicate to you, that his conduct has been unequivocally disapproved; and that the strongest assurances have been given, that his recal should be expedited without delay.

G. WASHINGTON.

UNITED STATES, January 20, 1794.

The Message was read, and ordered to lie on file.

The memorial of the people called Quakers, from the yearly meeting held at Rhode Island for New England, in the year 1793, was presented and read, praying Congress to exercise the authority vested in them by the Constitution for the suppression of the slave trade.

Ordered, That this petition lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

It is with satisfaction I announce to you that the alterations which have been made by law in the original plan for raising a duty on spirits distilled within the United States, and on stills, co-operating with better information, have had a considerable influence in obviating the difficulties, which have embarrassed that branch of the public revenue. But the obstacles which have been experienced, though lessened, are not yet entirely surmounted; and it would seem that some further Legislative provisions may usefully be superadded; which leads me to recal the attention of Congress to the subject. Among the matters which may demand regulation, is the effect, in point of organization, produced by the separation of Kentucky from the State of Virginia; and the situation, with regard to the law, of the Territories Northwest and Southwest of the Ohio.

The laws respecting light house establishments, require, as a condition of their permanent maintenance, at the expense of the United States, a complete cession of soil and jurisdiction. The cessions of different States having been qualified with a reservation of the right of serving legal process within the ceded jurisdiction, are understood to be inconclusive, as annexing a qualification not consonant, with the terms of the law. I present this circumstance to the view of Congress, that they may judge whether any alteration ought to be made.

As it appears to be conformable with the intention of the "Ordinance for the Government of the Territory of the United States Northwest of the river Ohio," although it is not expressly directed, that the laws of that Terri-

JANUARY, 1794.]

Proceedings.

[SENATE.]

tory should be laid before Congress, I now transmit to you a copy of such as have been passed, from July to December, 1792, inclusive; being the last which have been received by the Secretary of State.

G. WASHINGTON.

UNITED STATES, January 21, 1794.

The Message and copy of laws referred to were read, and ordered to lie for consideration.

Ordered, That Messrs. BRADLEY, LIVERMORE, and BROWN, be a committee to take into consideration the laws passed in the Territory of the United States Northwest of the river Ohio, from July to December, 1792, inclusive, and report thereon to the Senate.

WEDNESDAY, January 22.

The VICE PRESIDENT laid before the Senate sundry Communications from the Secretary for the Department of War, respecting a Treaty of Peace lately concluded by James Seagrove, agent for Indian affairs on behalf of the United States, with the chiefs and warriors on behalf of the Creek Indians.

The papers communicated were read, and ordered to lie on the table.

Agreeably to the order of the day, the Senate took into consideration the motion made the 16th instant, that the doors of the Senate Chamber "should remain open while the Senate shall be sitting in a Legislative and Judiciary capacity."

On motion, it was agreed to postpone the consideration of this subject to this day fortnight.

THURSDAY, January 23.

On motion, by Mr. CABOT, "that a committee be appointed to consider of the expediency of allowing the drawback on the re-exportation of goods, wares, and merchandise, from ports other than those into which they were first imported, and to report a bill for that purpose, if they shall think it proper."

Ordered, That this motion lie for consideration.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I forward to you extracts from the last advices from our Minister in London, as being connected with communications already made.

G. WASHINGTON.

UNITED STATES, January 22, 1794.

The Message and extracts were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for completing and better supporting the Military Establishment of the United States," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to a second reading.

The motion made on the 17th instant, that the Secretary of State be directed to lay before the Senate the correspondences which have been had

between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State, was resumed; and

A motion was made to amend the motion, to be read as follows:

"That the President of the United States be requested to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State."

And, after debate, the Senate adjourned.

FRIDAY, January 24.

The Senate resumed the consideration of the motion made on the 17th instant, together with the amendment proposed on the 23d, respecting the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic.

And on motion, to agree to the resolution, amended as follows:

"*Resolved*, That the President of the United States be requested to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State."

It passed in the affirmative—yeas 13, nays 11, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, Livermore, Mitchell, Morris, Strong, and Vining.

Ordered, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

The bill sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States," was read the second time.

Ordered, That the further consideration of this bill be postponed until Monday next.

MONDAY, January 27.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and

Ordered, That it be referred to Messrs. ELLSWORTH, LIVERMORE, STRONG, IZARD, and LANGDON, to consider and report thereon to the Senate.

TUESDAY, January 28.

The memorial of Joseph Bloomfield, President of, and in behalf of the Convention of Delegates from the Abolition Societies within the United States, was presented and read, praying Congress to pass a law prohibiting the traffic carried on by the citizens of the United States for the supply of

SENATE.]

Proceedings.

[FEBRUARY, 1794.]

slaves to foreign nations, and preventing foreigners from fitting out vessels for the slave trade in the ports of the United States.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of State, enclosing a translation of the French Act of Navigation.

WEDNESDAY, January 29.

Mr. ELLSWORTH, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States," reported amendments, which were agreed to.

Ordered, That the further consideration of this bill be postponed.

THURSDAY, January 30.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

Communications have been made to Congress during the present session, with the intention of affording a full view of the posture of affairs on the Southwestern frontiers. By the information which has lately been laid before Congress, it appeared that the difficulties with the Creeks had been amicably and happily terminated. But it will be perceived with regret, by the papers herewith transmitted, that the tranquility has unfortunately been of short duration, owing to the murder of several friendly Indians, by some lawless white men.

The condition of things in that quarter, requires the serious and immediate consideration of Congress, and the adoption of such wise and vigorous laws as will be competent to the preservation of the national character, and of the peace made under the authority of the United States with the several Indian tribes. Experience demonstrates that the existing legal provisions are entirely inadequate to those great objects.

G. WASHINGTON.

UNITED STATES, January 30, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and, after debate, the further consideration thereof was postponed.

FRIDAY, January 31.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and, after debate,

Resolved, That this bill do not pass.

Ordered, That the Secretary notify the House of Representatives that the Senate do not concur in this bill.

MONDAY, February 3.

The Senate took into consideration the Message of the PRESIDENT OF THE UNITED STATES, of the

30th of December last, respecting certain impediments in the coinage of the precious metals, together with the Report of the Secretary for the Department of State thereon.

Ordered, That Messrs. CABOT, IZARD, and ELLSWORTH, be a committee to take into consideration and report on that part of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th of December last, which respects certain impediments to the coinage of the precious metals, together with the Report of the Secretary for the Department of State thereon.

The Senate proceeded to the consideration of the last paragraph of the said Message, and the papers to which it refers; and

Ordered, That they be committed to the committee last mentioned, to consider and report thereon to the Senate.

TUESDAY, February 4.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support," in which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to a second reading.

WEDNESDAY, February 5.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support," was read the second time; and, after debate, the further consideration thereof was postponed until to-morrow.

Mr. CABOT reported, from the committee appointed to take into consideration the last clause of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th of December, which report was read; and, after debate,

Ordered, That it lie on the table.

The Senate resumed the consideration of the motion made the 16th January last, that the doors of the Senate remain open while the Senate shall be sitting in a Legislative and Judiciary capacity.

Ordered, That the consideration thereof be postponed to this day fortnight.

THURSDAY, February 6.

Mr. PORTS, from Maryland, attended.

The petition of Jonathan Holton, late a Lieutenant in the Militia of New Hampshire, was presented and read, stating that he was wounded in the battle of Bennington, and disabled from labor, and praying to be reinstated in the list of invalid pensioners.

Ordered, That this petition be referred to the Secretary for the Department of War to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill, sent from the House of Representatives for

FEBRUARY, 1794.]

Proceedings.

[SENATE.]

concurrence, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support."

On motion that it be recommitted, for the purpose of further inquiry, it passed in the negative.

And, after agreeing to an amendment, the bill was ordered to a third reading.

The Senate proceeded to the consideration of the report of the committee on the last clause of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th December.

On motion to recommit the report, and that the committee be instructed to bring in a bill for the purposes therein mentioned, it passed in the negative. It was then agreed that the report of the committee be adopted.

Whereupon, it was

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the payment notified by the President of the United States, in his Message of the 30th of December last, to have been made, be approved; and that the President be authorized to make further advances on the same account, as he may judge expedient, not exceeding in the whole the amount which might be claimed of the United States, on the principles stated in the Message.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this resolution.

FRIDAY, February 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you an Act and three Ordinances passed by the Government of the Territory of the United States South of the river Ohio, on the 13th and 21st of March, and the 7th of May, 1793; and also certain Letters from the Minister Plenipotentiary of the French Republic, to the Secretary of State, enclosing despatches from the General and Extraordinary Commission of Gaudaloupe.

G. WASHINGTON.

UNITED STATES, February 7, 1794.

The Message and papers therein referred to were read.

Ordered, That the Act and three Ordinances, mentioned in the Message, be referred to the committee appointed the 21st of January last, to whom were referred the laws passed in the Territory Northwest of the Ohio, to consider and report thereon to the Senate.

Ordered, That the other papers referred to in the Message lie for consideration.

The Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled, "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support." Whereupon,

Resolved, That this bill pass as amended.

Resolved, That the resolution passed yesterday, on the report of the committee appointed to con-

sider the last paragraph of the Message from the PRESIDENT OF THE UNITED STATES, of the 30th of December last, be reconsidered.

Ordered, That Messrs. BURR, ELLSWORTH, and KING, be a committee to take into consideration the Message from the PRESIDENT OF THE UNITED STATES of the 30th December, and that the committee be directed to report a bill to carry the same into execution.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, together with his War Department account; which were read.

Ordered, That they lie on the table.

MONDAY, February 10.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of the Treasury, in reference to the orders of Senate of the 20th January last for a return of sundry statements from that Department; which Letter was read.

Mr. BRADLEY reported from the committee to whom was referred the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States; and the report was read.

Ordered, That Wednesday next be assigned to take this report into consideration, and that, in the mean time, it be printed for the use of the Senate.

On motion, that the Senate adopt the following resolution:

Resolved, That the doors of the Senate be opened, and continue open, during the discussion upon the contested election of ALBERT GALLATIN."

Ordered, That this motion lie on the table until to-morrow.

A message from the House of Representatives informed the Senate, that the House concur in the amendment of the Senate to the bill, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support."

TUESDAY, February 11.

Mr. STRONG, from the committee appointed the 24th of December last, to consider that part of the Speech of the PRESIDENT OF THE UNITED STATES which recommends further provision against offences, reported a bill; which was read the first time, and ordered to a second reading.

A motion was made,

"That the petition of Conrad Laub and others, citizens of Pennsylvania, stating that ALBERT GALLATIN had not been more than eight years a citizen of the United States at the time of his election as a Senator, is sufficient, as well in respect to the competency of the petitioners, as in respect to the matter alleged in the petition, to authorize the Senate to inquire and decide whether the said ALBERT GALLATIN had been a citizen of the United States the term of years required by the Constitution as a qualification to be a Senator of the United States."

Ordered, That this motion lie until to-morrow.

SENATE.]

Proceedings.

[FEBRUARY, 1794.]

On motion it was

Ordered, That the Letter of the Secretary of the Department of the Treasury, communicated yesterday, be referred to MESSRS. GALLATIN, ELLSWORTH, and TAYLOR, to consider and report thereon to the Senate.

Agreeably to the order of the day, the Senate took into consideration the motion made yesterday that the doors of the Senate be opened during the discussion of the contested election of Mr. GALLATIN. Whereupon,

Resolved, That the doors of the Senate be opened, and continue open during the discussion upon the contested election of ALBERT GALLATIN.

Mr. BRADLEY reported from the committee to whom was referred the Act and three Ordinances mentioned in the Message from the PRESIDENT OF THE UNITED STATES of the 7th instant, enacted and ordained by the Governor and Judges of the Territory South of the river Ohio, "that Congress do not disapprove the same," and the report was agreed to.

WEDNESDAY, February 12.

On motion, that the consideration of the report of the committee on the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States, be postponed until Monday next; it was passed in the affirmative.

A message from the House of Representatives, informed the Senate, that the House have passed a bill entitled "An act for the relief of Thomas Jenkins and Sons," in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read a first time, and ordered to a second reading.

The bill in addition to "The act for the punishment of certain crimes against the United States," was read the second time; and, after debate, the further consideration of the bill was postponed.

THURSDAY, February 13.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read the second time.

Ordered, That this bill pass to a third reading.

The Senate resumed the second reading of the bill, in addition to "The act for the punishment of certain crimes against the United States;" and, after debate, the further consideration thereof was postponed.

Mr. BURR, from the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 30th of December last, reported a bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE; which was read the first time, and ordered to a second reading.

FRIDAY, February 14.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read the third time and passed.

The bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE was read the second time, and, after debate, it was ordered to lie for consideration and inquiry.

The Senate resumed the second reading of the bill in addition to "The act for the punishment of certain crimes against the United States;" and, after debate, the bill was ordered to be committed.

Mr. CABOT, from the committee appointed the third instant, reported a bill in alteration of the act establishing a Mint and regulating the coins of the United States, which was read the first time and ordered to a second reading.

MONDAY, February 17.

The petition of Michael Schmyser, agent for Conrad Laub and others, petitioners against the election of ALBERT GALLATIN, to be a Senator of the United States, was presented and read, praying to be heard by counsel.

Ordered, That the prayer of the petition be granted

The consideration of the report of the committee on the petition of Conrad Laub and others, respecting the election of Mr. GALLATIN to be a Senator of the United States, was resumed, and, after progress, it was ordered that the consideration thereof be postponed until Wednesday next.

The bill in alteration of "The act establishing a Mint and regulating the coins of the United States," was read the second time and ordered to a third reading.

TUESDAY, February 18.

Mr. STRONG, from the committee to whom was committed the bill in addition to the act for the punishment of certain crimes against the United States, reported amendments.

Ordered, That the bill be printed as the committee have reported it amended.

The bill in alteration of the act establishing a Mint and regulating the coins of the United States was read the third time and passed.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of the Treasury, together with fourteen statements of tonnage, for a year ending the 30th of September, 1792, according to the entries of vessels in the United States during that period; which were read and ordered to lie for consideration.

WEDNESDAY, February 19.

JAMES GUNN, from Georgia took his seat in the Senate.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub and

FEBRUARY, 1794.]

Proceedings.

[SENATE.]

others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

Ordered, That the consideration thereof be further postponed until to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

Gentlemen of the Senate

and of the House of Representatives :

I lay before you the copy of a Letter which I have received from the Chief Justice and Associate Justices of the Supreme Court of the United States ; and, at their desire, the representation, mentioned in the said Letter, pointing out certain defects in the Judiciary system. G. WASHINGTON.

UNITED STATES, February 19, 1794.

The Message and representation therein referred to were read.

Ordered, That they be referred to Messrs. ELLSWORTH, STRONG, TAYLOR, LIVERMORE, and POTTS, to consider and report thereon to the Senate.

Conformably to the order of the day, the Senate resumed the consideration of the motion, made on the 16th of January last, that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity.

On motion, by Mr. MARTIN, that the question be now taken on the propositions generally,

A motion was made for the previous question, to wit: Shall the question be now put on the following preliminary resolutions ?

Resolved, That, in all Representative Governments, the Representatives are responsible for their conduct to their constituents, who are entitled to such information, that a discrimination and just estimate be made thereof.

Resolved, That the Senate of the United States, being the Representatives of the Sovereignities of the individual States, whose basis is the people, owe equal responsibility to the powers by which they are appointed, as if that body were derived immediately from the people, and that all questions and debates arising thereupon in their Legislative and Judiciary capacity, ought to be public.

Resolved, That the mode adopted by the Senate of publishing their journals, and extracts from them, in newspapers, is not adequate to the purpose of circulating satisfactory information. While the principles and designs of the individual members are withheld from public view, responsibility is destroyed, which, on the publicity of their deliberations, would be restored ; the Constitutional powers of the Senate become more important, in being more influential over the other branch of the Legislature ; abuse of power, mal administration of office, more easily detected and corrected ; jealousies, rising in the public mind from secret legislation, prevented ; and greater confidence placed by our fellow-citizens in the National Government, by which their lives, liberties, and properties, are to be secured and protected :

It passed in the negative.

On motion to postpone the main question to the next session of Congress, to wit :

Resolved, That it be a standing rule that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as in their judgment may re-

quire secrecy ; and that this rule commence on — day of — :

It passed in the affirmative—yeas 14, nays 13, as follows :

YEAS.—Messrs. Bradford, Bradley, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, Langdon, Livermore, Mitchell, Morris, Rutherford, Strong, and Vining.

NAYS.—Messrs. Brown, Burr, Butler, Edwards, Gallatin, Gunn, Hawkins, Jackson, King, Martin, Monroe, Potts, and Taylor.

The Senate resumed the second reading of the bill, authorizing and directing the settlement of the accounts of Major General LAFAYETTE ; and having amended the same, the bill was ordered to a third reading.

On motion to reconsider the following motion, to wit :

Resolved, That it be a standing rule that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as, in their judgment, may require secrecy ; and that this rule commence on — day of — :

It passed in the affirmative—yeas 17, nays 10, as follows :

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Foster, Gallatin, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potts, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Izard, Mitchell, Morris, Rutherford, Strong, and Vining.

A motion was made to amend the motion last reconsidered, as follows :

Resolved, That, after the end of the present session of Congress, and, so soon as suitable galleries shall be provided for the Senate Chamber, the said galleries shall be permitted to be opened every morning, so long as the Senate shall be engaged in their Legislative capacity, unless in such cases as may in the opinion of the Senate require secrecy, after which the said galleries shall be closed."

And, after debate, the Senate adjourned.

THURSDAY, February 20.

The Senate resumed the consideration of the motion made yesterday, to amend the motion then reconsidered, respecting the opening the doors of the Senate Chamber whilst sitting in a Legislative capacity.

On motion to commit the motion for amendment, it passed in the negative.

On motion, that the amendment be agreed to, it passed in the affirmative—yeas 18, nays 9, as follows :

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Ellsworth, Foster, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potts, Taylor, and Vining.

NAYS.—Messrs. Bradford, Cabot, Frelinghuysen, Gallatin, Izard, Mitchell, Morris, Rutherford, and Strong.

On motion to adopt the resolution, amended as follows :

[SENATE.]

Contested Election of Mr. Gallatin.

[FEBRUARY, 1794.]

"Resolved, That, after the end of the present session of Congress, and so soon as suitable galleries shall be provided for the Senate Chamber, the said galleries shall be permitted to be opened every morning, so long as the Senate shall be engaged in their Legislative capacity, unless in such cases as may, in the opinion of the Senate, require secrecy, after which the said galleries shall be closed."

It passed in the affirmative—yeas 19, nays 8, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Ellsworth, Foster, Gallatin, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potts, Taylor, and Vining.

NAYS.—Messrs. Bradford, Cabot, Frelinghuysen, Izard, Mitchell, Morris, Rutherford, and Strong.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States," in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

Resolved, That, on a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and that, during the discussion of such motion, the doors shall remain shut.

Ordered, That the second reading of the bill in addition to the act for the punishing of certain crimes against the United States, as reported to be amended by the committee, be the order of the day for Tuesday next.

CONTESTED ELECTION.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

The Report of the Committee states the evidence, and concludes with an opinion, that to controvert the allegations set forth in the petition against Mr. G., it lays with him to prove his citizenship.

Accordingly, Mr. G. presented a written statement of facts, which the PRESIDENT of the Senate read. It contained a narrative of several transactions from the time of Mr. G.'s arrival in the Province of Maine, or Massachusetts, about thirteen years ago. Of his having contributed by money and his own services as a volunteer, in the cause of the Revolution. Of his having taken oaths of allegiance and purchased lands in that State, and also in the State of Virginia. In the back parts of the last mentioned State, he had formed an interesting settlement, and had been extremely useful in bringing settlers from Europe. The dates of those transactions and times of his arrival in Pennsylvania, and of being sent to the State Convention,

are also recited, up to the time of his being chosen one of their Representatives in the Senate of the United States.

After the PRESIDENT had done reading the statement of facts, Mr. G. addressed the Senate, by observing, that he felt himself rather in an awkward predicament, not knowing whether the counsel for the prosecutors or himself were the proper persons to speak the first, as this preliminary was not yet laid down by the Senate. neither had he provided any counsel. He should have supposed himself in the situation of defendant, were it not that the weight of proving the affirmative in regard to citizenship had been laid on him, under which predicament it might perhaps be necessary for him to begin, and after the counsel for the petitioners had spoken, that he should then be allowed to close the arguments.

Mr. LIVERMORE was of opinion, that the sitting member should begin the debate, as the *onus probandi* lay with him.

The counsel for the petitioners, Mr. LEWIS, rose. He was attended by Mr. Schmyser, one of the members of the Senate of Pennsylvania, who, we understand, manages the prosecution on the part of the petitioners. Mr. L. hoped he would be permitted to say a few words in the early stage of the business, in regard to the manner of conducting it. He recapitulated sundry offices and posts of honor that had been conferred on him, from which he humbly presumed he had gathered much experience, and particularly in cases of Contested Elections. He would, therefore, beg leave of the honorable Senate, to offer an observation before they should determine on the mode of conducting the trial. When the question for postponement, which was debated the other day, was before them, the sitting member did then consider himself as defendant, and for an hour had fought phantoms of his own imagination, but now he has changed his ground, and desires to have the privileges which belong to the petitioners only, namely, the right of opening the prosecution, and afterwards concluding the arguments.

Mr. GALLATIN submitted to the decision of the Senate, and said he did not wish to contend for mere matters of form.

Mr. MARTIN, from N. Carolina, thought it immaterial who began or concluded, if in the end the Senate should be enabled to arrive at a just degree of information.

Mr. JACKSON, from Georgia, made some observations on the manner of conducting the business. He thought it would be incumbent on the counsel for the petitioners to prove that Mr. GALLATIN was not a citizen, &c.

Mr. KING, from New York, and some other gentleman of the Senate, said a few more words on the motion; it was agreed that the sitting member should begin.

Mr. GALLATIN accordingly rose and recapitulated the facts stated in the written paper which he had presented to the PRESIDENT, commenting on each of them as he proceeded. He proved that he had been an inhabitant of the United States for thirteen years, and was one before the Peace of

FEBRUARY, 1794.]

Contested Election of Mr. Gallatin.

[SENATE]

1783, and before the Confederation. He quoted the laws previous thereto respecting aliens, and also the British statutes, and he maintained that they were all done away by the Revolution. He conceived himself a citizen in common with the other citizens of the United States, from the time of his first qualifying after his arrival and attachment to the country. He concluded by saying, he would reserve the remainder of his defence until after he should hear the counsel on behalf of the petitioners.

Mr. Lewis commenced his speech by observing, that he appeared there on behalf of Conrad Laub, and other respectable men, who complained of the unconstitutionality of admitting Mr. GALLATIN to a seat in the Senate. He was glad to find, by the gentleman's expressions, that the ground of debate had been narrowed into so small a compass, and he would therefore take him up from the argument where he had left off speaking, that of his being a citizen in common of the United States, from the time of his qualifying in Massachusetts or Virginia. But in Virginia two oaths are required, and they must be taken in a Court, not before a Magistrate, to entitle a man to citizenship. He must also be possessed of a certain quantity of property and be a resident for two years. It appears Mr. G. did not remain in Virginia more than two months. [Here Mr. Lewis read the law of Virginia of the 20th October, 1783.] On this law Mr. L. argued that Mr. G. had not gone through the necessary qualifications to entitle him to citizenship there; and he observed, that he admired the gentleman's candor in not insisting on it here. In this State he had certainly not qualified himself agreeably to the law. Under these circumstances, Mr. L. for his part could never admit of the gentleman's right to citizenship so far back as to entitle him to the suffrage of a vote for a seat in the Senate, &c.

The mischievous consequences of permitting such innovations he represented in strong terms; and he called to the recollection of the Senate the conduct of ancient and modern Governments on this question. One of the ancient Republics made it death for an alien to intermeddle in their politics. The sentiments of antiquity, and those of men in modern days, proved the justice of these conclusions.

With regard to the arguments of the gentleman respecting his being entitled to be a citizen of the Union, or of any individual State of it, because he had qualified himself to be a citizen of one of them, Mr. L. said, was a mere bubble, for surely the gentleman was not one of the mass of citizens at the accomplishment of Independence.

The doctrine of the old law, which the gentleman says was done away by the Revolution, in respect to aliens, may have been so with regard to the British king; it was still, however, virtually in force against the gentleman. But supposing it to be done away, how do the Constitutions of the different States stand on this head? Is it not implied by all of them, that certain oaths, residence, and property, make the requisites to form citizenship? In Massachusetts, a foreigner is not a citizen without he complies with those terms. [Here

he quoted p. 70 of the small volume of the Laws of Massachusetts. He also cited the act in favor of John Jarvis and others; also, p. 104 of the same book, and p. 191 and 192.] From these he maintained, that no such wild idea was ever contemplated by either the law of Massachusetts or Virginia, as to admit foreigners or persons from other States to citizenship, immediately on their entrance within their limits.

The situation of the sitting member, with respect to the Constitution and laws of Pennsylvania, he had little doubt was similar to what he had mentioned in regard to the other States, although he would not assert it as a fact. [He read the 42d section, and also in p. 43 of the Law of Pennsylvania, 13th of March, 1789, a proviso which contains some precautions requiring records to be kept by the Master of the Rolls of the persons admitted to citizenship.] The same principle pervades all the States as well as it does the Constitution of the United States. The absurdity of applying it in any other sense, was severely pictured by Mr. L., and to admit the idea advanced by the sitting member, was as inadmissible as it was novel. In support of what he wished to impress on the minds of the Senate, Mr. L. quoted the 1st vol. of the Journals of Congress in 1774 and 1775, p. 28 and 29. He then recurred to *Blackstone*, vol. 1. p. 63, 64, and 69; also 73 and 79.

It was not his intention to quote the Parliamentary Laws of England in support of any thing, but such parts of their Common Law as could be got over. That Common Law of England which was imported by our ancestors, and handed down to them by the People, not the Parliament. The People had made the Common Law, from time to time. The Saxons, Normans, &c., were all concerned in making and improving it, until it had finally reached that degree of perfection in which it was given to us by our ancestors, and it was founded in wisdom and justice.

Mr. L. next quoted, first *Blackstone*, 402, which was one of the British laws that had never been admitted in this country, and which, he hoped, never would, viz: that wherein the distinction is drawn between the Commoner and the Peer, an oath being required of the Commoner, upon all occasions, and no more than "*upon my honor*," from a Peer, except in giving evidence in civil or criminal trials.

Mr. L. concluded by saying that the difficulties which stood between Mr. GALLATIN and his seat, were insurmountable and could not be removed without showing a law of Massachusetts, Virginia, &c., repealing those laws in regard to the qualification of citizens, which he had mentioned, but which repeal he was certain did not exist. He therefore stated, that to insist upon the gentleman's right to a seat, was both novel and absurd. These were his opinions, which he had given in a perfectly extempore way, not having been allowed time, nor expecting to meet the subject on the new ground which it had this day taken in the Senate.

Mr. GALLATIN said, he would pledge himself to the Senate, to prove that the grounds of his argu-

SENATE.]

Contested Election of Mr. Gallatin.

[FEBRUARY, 1794.]

ments and his construction of the Confederation and laws of the States, was neither novel nor absurd, except in Mr. L.'s construction of them, but had been admitted in many instances. However, as the Common Law of England was now introduced by Mr. L., which was new ground to him, and as the hour of adjournment was nearly approaching, he would beg leave to make his reply to-morrow.

On motion, the further consideration of this subject was postponed until to-morrow.

FRIDAY, February 21.

The bill sent from the House of Representatives for concurrence, entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States;" was read the second time and referred to Messrs. CABOT, BURR, and LANGDON, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a communication from the Secretary for the Department of War, stating certain defects in the act passed at the last session of Congress, entitled "An act to regulate the claims to Invalid Pensions;" which was read and ordered to lie for consideration.

CONTESTED ELECTION.

Agreeably to the order of the day the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

Mr. GALLATIN commenced his defence by laying down the principles on which he intended to argue. His was a very serious situation, for a person to be placed in, who had been so long in America, and who had mingled with the inhabitants in the common cause, that he should afterwards be called before so solemn a tribunal, with an intention to wrest from him his right of citizenship. He confessed, that on this occasion his feelings were deeply interested, particularly as the manner of the counsel for the prosecutors was so personal, and went not only to deny him a seat in the Senate of the United States, but even to contest his citizenship, and denounce him as being yet an alien.

This was a matter of consequence to many thousands as well as himself, who have long considered themselves in possession of all the privilege of denizens, and yet may be deprived of their rights, if the doctrines of the counsel for the prosecutors should obtain any sanction from the body who were now to judge of its merits.

Mr. G. entered into a series of observations on the various points of law, &c., which had been adduced by Mr. LEWIS, and he particularly remarked, that the Common Law of England was entirely inapplicable to the subject under consideration. He read the laws of Virginia respecting naturalization, &c., from which he insisted that he had long since become a citizen of the United

States. He also quoted 1st *Blackstone*, p. 374, and *Viner's Abridgment*, vol. ii. p. 266, respecting the different acceptations of denizen and citizen, and he went back so far as the British statutes in 1740, to show the intention of the old Government was to naturalize all persons who would go and reside in the Colonies. He next mentioned the act of Pennsylvania, of 31st of August, 1778, and commented on the principles generally entertained by most writers on the subjects of allegiance and citizenship. *Blackstone*, 266, &c.

An alien is a man born out of the allegiance of the King. But allegiance in England is not an allegiance to the country or to society, as it is understood in this country.

In order to explain the principle of reciprocity, he observed, that when the two crowns of England and Scotland were united under James, the inhabitants of Scotland became naturalized in England, as if they had been natural-born subjects of that country. The allegiance in Britain was personal to the King, and it has there this remarkable quality, that by the British laws allegiance can never be shaken off.

This country, before the Revolution, owed allegiance to the King, but that was destroyed by the Declaration of Independence, and then the inhabitants of the States became mutually citizens of every State reciprocally; and they continued so until such time as the States made laws of their own afterwards respecting naturalization.

As soon as separate Governments existed, allegiance was due to each, and here the allegiance was a reality, it was to the Government and to society, whereas in Britain it is merely fictitious, being only to one man.

Every man who took an active part in the American Revolution, was a citizen according to the great laws of reason and of nature, and when afterwards positive laws were made, they were retrospective in regard to persons under this predicament, nor did those posterior laws invalidate the rights which they enjoy under the Confederation.

Mr. G. here mentioned his having been an inhabitant of Massachusetts, before October, 1780, and he also observed, that the law passed in that State was decisive against the Common Law of England.

In quoting the laws of Massachusetts, which were passed in 1785, and afterwards, for naturalizing John Gardner, and James Martin, he remarked that they clearly implied that even a natural born subject, who had not acted in the Revolution, and an absentee, was not entitled to citizenship. He likewise took notice of the case of Mr. WILLIAM SMITH, of South Carolina, against whose election as a Representative in Congress, a petition was presented by Doctor Ramsey, although the decision of South Carolina on that subject was exactly the reverse of Massachusetts.

In speaking of the difficulties that occurred in explaining the terms citizen and alien, he ran over a number of cases, and asked whether if a person had arrived in the United States during the war, from Nova-Scotia, or elsewhere, and had taken an

FEBRUARY, 1794.]

Contested Election of Mr. Gallatin.

[SENATE.]

active part against the enemy, would he not be better entitled to the right of a citizen, than even those who afterwards subscribed to the acts? The counsel for the prosecutors had admitted that a person who had been one of the mass of the people, at the Declaration of Independence, was a citizen. On the same principle, until a law passes to disprove that a man who was active in the Revolution previous to the Treaty of Peace, was a citizen, he must be one *ipso facto*.

Mr. G. next read a quotation from the 1st. vol. of *Woodison*, p. 382, an English writer, who acknowledged that all persons were aliens at the recognition of Independence, and that is a more liberal construction than the counsel for the petitioners would admit of, for by his construction, our sailors, &c., ought to be naturalized, lest they be alarmed by the British.

The new Constitution of the United States requires certain qualifications for members of Congress, &c., but it does not deprive persons of their rights who were actually citizens before this Constitution was ratified that made the States the United States. They were United by consent before, and consequently he was one of the people before the United States existed.

He went on to read from the Constitution of Massachusetts, and several other States, sundry clauses in support of his reasoning, and recapitulated the several heads of Mr. L.'s arguments, to each of which he replied.

Mr. G. said, that Mr. Lewis was unfortunate in producing the law of Pennsylvania, for, by proving too much, he had proved nothing, for the 42d sec. of the Constitution is retrospective, and by acknowledging the Articles of Confederation to be the supreme law of the land, persons who were reciprocally citizens before, are still left in full possession of the right.

So far from any dangerous consequences arising on my construction of citizenship, said he, I think it must be evident, that there is more danger and absurdity in the counsel's own constructions. For, in remarking on the policy of nations, we find even slaves have been enfranchised by the great Republics in times of common danger. The policy of America should be to make citizenship as easy as possible, for the purpose of encouraging population; even during the British dominion that was a principle laid down, and afterwards it was attempted to be varied; it is made one of the principal subjects of complaint in the Declaration of Independence, where it is expressly said, that the King endeavored to prevent the population of these States, by having laws made to obstruct the naturalization of foreigners.

If there was any dangerous consequences to be apprehended from the former regulations on this subject, they are all remedied by the new Constitution.

Therefore, no ill consequence or absurdity can follow. The author of the *Federalist* supports this principle in vol. ii, p. 51, for he says, that it is a construction scarcely avoidable, that citizens of each of the States are mutually so in all of them.

The first words in the Constitution, "We, the

People," furnished another argument in support of Mr. G.'s principles, which he turned to great advantage, still drawing an inference to show that Mr. L.'s construction of the subject was most liable to difficulties and to mischievous consequences.

He concluded by observing, that if there was any disfranchising clauses in the Constitution of the United States, tending to deprive citizens of antecedent rights, all such clauses must be construed favorably, and were evidently on his side. With regard to a sentence that had been added, by the advice of counsel, to the affidavit of Pelatiah Webster, he made some remarks which tended to establish his own personal character, which he trusted would be found, when traced back to his nativity, to stand the test; and that his right to a seat in the Senate would also stand upon an equally just foundation.

Mr. Lewis denied ever having seen the affidavit of Mr. Webster, until it was shown him at the time the examination before the Committee was going forward.

Mr. GALLATIN recriminated, that the clause of which he took notice, was not in the affidavit when Mr. Webster brought it to the Committee, and that he had permitted it to be added with great reluctance. It was only the recital of a few words which passed between Mr. G. and Mr. W. in jest, some years since, wherein Mr. G. had ironically said his name was Sidney, probably alluding to some essays that had appeared in the newspapers under that signature, which have been generally attributed to the pen of another gentleman in this State.

Mr. JACKSON, in order to bring the merits of the subject directly before the Senate, said he would move a resolution, that would have that effect; but upon Mr. LEWIS's observing, that he had not yet closed his arguments, and at the instance of Mr. BUTLER, from South Carolina, who said he would second Mr. JACKSON's motion hereafter, it was withdrawn for the present.

Ordered, That the further consideration thereof be postponed until to-morrow.

—
SATURDAY, February 22.

The VICE PRESIDENT laid before the Senate a Report from the Secretary for the Department of Treasury, on the expediency of erecting a light house on Cape Hatteras, in the State of North Carolina, together with sundry papers therein referred to; which were read.

Ordered, That this report, and the papers therein referred to, be committed to Messrs. MARTIN, LANGDON, and KING, to consider and report thereon to the Senate.

—
; CONTESTED ELECTION.

The Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

The greater part of the day was taken up by Mr. Lewis's pleadings, wherein he entered into a very

SENATE.]

Contested Election of Mr. Gallatin.

[FEBRUARY, 1794.]

extensive field of reasoning, and quoted a great number of authorities, in support of the principles on which he had set out last Thursday, and to prove that in the true sense of the Constitution of the United States, as well as of that of the State of Pennsylvania, Mr. GALLATIN was not duly qualified for the office of a Senator, and therefore, he trusted that the honorable Senate, upon mature reflection, would vacate his seat.

Mr. GALLATIN closed his defence in a short speech, wherein he quoted *Vattel*, p. 167, and explained the 42d section of the Constitution of Pennsylvania, the liberal construction of which, he said, was in his favor, and the construction contended for by the counsel, absurd. He finished by reading a passage from *Lord Bacon's* works, to show that where there is any doubt in the laws, it should operate in favor of the defendant, and he accordingly made no doubt but that the Senate would validate his election.

Ordered, That the further consideration of the subject be postponed until Monday next.

A motion was made as follows:

"*Resolved*, That ALBERT GALLATIN, returned to this House as a member for the State of Pennsylvania, is duly qualified for, and elected to, a seat in the Senate of the United States."

Ordered, That the consideration of this motion be postponed until Monday next, and that a number of copies of the fourth article of the First Confederation of the United States be printed for the use of the Senate.

MONDAY, February 24.

The Senate resumed the consideration of the motion made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," in which they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The extracts which I now lay before you, from a Letter of our Minister at London, are supplementary to some of my past communications, and it will appear to be of a confidential nature.

I also transmit to you copies of a Letter from the Secretary of State to the Minister Plenipotentiary of his Britannic Majesty, and of the answer thereto, upon the subject of the Treaty between the United States and Great Britain; together with the copy of a Letter from Messrs. Carmichael and Short, relative to our affairs with Spain, which Letter is connected with a former confidential Message.

G. WASHINGTON.

UNITED STATES, February 24, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

TUESDAY, February 25.

The bill, sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," was read the first time and ordered to a second reading.

The Senate resumed the consideration of the motion made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

On motion it was agreed that the second reading of the bill, in addition to the act for the punishment of certain crimes against the United States, assigned as the order of this day, be further postponed.

WEDNESDAY, February 26.

The Senate resumed the consideration of the motion, made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES, and read:

Gentlemen of the Senate:

I have caused the correspondence, which is the subject of your resolution of the 24th day of January last, to be laid before me. After an examination of it, I directed copies and translations to be made; except in those particulars which, in my judgment, for public considerations, ought not to be communicated.

These copies and translations are now transmitted to the Senate; but the nature of them manifest the propriety of their being received as confidential.

G. WASHINGTON.

UNITED STATES, February 26, 1794.

Ordered, That the Message and papers therein referred to lie for consideration.

The bill, sent from the House of Representatives, for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," was read the second time, and the further consideration of the bill was postponed.

THURSDAY, February 27.

Ordered, That the bill from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," be referred to Messrs. CABOT, FRELINGHUYSEN, and LAKEDON, to consider and report thereon to the Senate.

FEBRUARY, 1794.]

Proceedings.

[SENATE.]

The Senate resumed the consideration of the motion, made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

FRIDAY, February 28.

The Senate resumed the consideration of the 22d instant, on the report of the committee on the petition of Conrad Laub and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

And, on the question to agree to the motion, as follows:

Resolved, That ALBERT GALLATIN, returned to this House as a member for the State of Pennsylvania, is duly qualified for, and elected to, a seat in the Senate of the United States:

It passed in the negative—yeas 12, nays 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

On motion, that it be

Resolved, That the election of ALBERT GALLATIN to be a Senator of the United States was void, he not having been a citizen of the United States the term of years required as a qualification to be a Senator of the United States:

A motion was made to divide the question at the word "void;" and,

On motion to agree to the first paragraph of the motion so divided, it passed in the affirmative—yeas 14, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

On motion to adopt the resolution as follows:

Resolved, That the election of ALBERT GALLATIN to be a Senator of the United States was void, he not having been a citizen of the United States, the term of years required as a qualification to be a Senator of the United States:

It passed in the affirmative—yeas 14, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

Resolved, That an attested copy of the resolution of the Senate, declaring the election of AL-

BERT GALLATIN to be void, be transmitted by the PRESIDENT of the Senate to the Executive of the Commonwealth of Pennsylvania.

The report of the committee on the petition of Conrad Laub and others, above referred to, and made on the 10th instant, is as follows:

"The Committee of Elections, to whom was referred the petition of Conrad Laub and others, against the election of the Honorable ALBERT GALLATIN as a Senator of the United States for the State of Pennsylvania, report:

"That they have had the same under consideration, and, having given due notice, as well the petitioners, by their agent, Michael Schmyser, as the said Mr. GALLATIN appeared before them, and, on the part of the petitioners, the following evidence was produced, to wit:

"Robert Morris, Esq., being duly sworn, deposeeth: That, during the war, two of his sons went to Geneva for their education, and at that place they became acquainted with some of the friends of Mr. Albert Gallatin, who had gone for America, and they, being solicitous to hear of his safety, desired Mr. Morris's sons to write to their father, to make inquiry and give the information he should obtain. That, frequently afterwards, he received letters for Mr. Gallatin from Europe, which he always supposed to come from the friends of Mr. Gallatin, in Geneva. He supplied Mr. Gallatin with money for a bill upon London, and there supposed the funds to pay the same were remitted from Geneva. Mr. Morris paid Mr. Gallatin about one thousand guineas, by order of Messrs. ——— & Co., bankers in Paris, believing always that they were reimbursed from Geneva. Mr. Morris does not recollect dates, not having for a long while seen any of the letters that passed on the subject; he does not know the place of Mr. Gallatin's nativity, but, from the general course of the circumstances which came under his observation, he always did suppose he was born in Geneva."

"Sworn to, and subscribed, January 22, 1794."

"Nathaniel Cabot Higginson, Esq., being duly sworn, deposeeth: That he does not know directly anything of Mr. Gallatin's being a foreigner or native; that he recollects knowing him by reputation and sight at Boston, in one of the years 1781, 1782, or 1783, and that he was generally reputed to be a foreigner. This deponent believes that Mr. Gallatin then taught the French language, and did not speak the English with facility; and further recollects that Mr. Gallatin was resident there or thereabouts a considerable time. This deponent further says, that he never had any conversation with Mr. Gallatin, but founds his belief, with respect to Mr. Gallatin's not speaking the English with facility, on the information received from others.

"Sworn to, and subscribed, January 22, 1794.

"Mr. John Breakbill, being duly sworn, testifies: That, last Winter, being a member of the Legislature of Pennsylvania, previous to the election of Senator for the State of Pennsylvania, I heard Mr. Gallatin say his citizenship would not admit his being a Senator; what were his reasons for making the declaration I cannot say; I took it, he did not wish to be elected. This declaration by Mr. Gallatin was made at a meeting of a number of members of the Pennsylvania Legislature, held for the purpose of agreeing who should be set up as a candidate. The deponent further says, he does not recollect Mr. Gallatin's assigning any other reason for his backwardness to serve as a Senator, than the want of citizenship.

"Sworn to, and subscribed, January 22, 1794."

"Henry Kammerer, Esq., being duly sworn, testifies:

SENATE.]

Proceedings.

[FEBRUARY, 1794.]

That last Winter, being a member of the Legislature of Pennsylvania, and previous to the election of Senator for the said State, at a meeting of a number of the members of the State Legislature, to agree upon a candidate to fill said office, I heard Mr. Gallatin say, when his name was proposed, 'As for my name, it is out of the question: I have not been a citizen long enough to entitle me to serve in that station.' That, at a second meeting for the same purpose, Mr. Gallatin was again proposed as a proper person for a candidate, and then the deponent understood (not from Mr. Gallatin, but from some of the members of Assembly then present,) that the doubt about his citizenship was then put to rights; and then it was almost unanimously agreed to put up Mr. Gallatin's name. That, on the morning succeeding Mr. Gallatin's election, the deponent heard it observed, that, notwithstanding Mr. Gallatin's election, he could not take his seat, in consequence of his declaration that he had not been long enough a citizen. That he, the same day, mentioned this to Mr. Gallatin, who said that he had made this declaration under a mistaken idea that it was necessary for him to have been nine years a citizen of Pennsylvania, but that, upon examining the Constitution, he had found that to have been nine years a citizen of the United States was sufficient, and that he had been above nine years a citizen of the United States, or words to that effect.

"Sworn to, and subscribed, January 22, 1794."

"Pelatiah Webster, being duly qualified, testifies: That, eleven years ago last Summer, I let my house in Philadelphia to Mary Linn, who proposed to take lodgers; I reserved apartments for myself, and boarded with her. Soon after, Mr. Savery and Mr. Gallatin took lodgings of her, and continued a number of months there. Mr. Savery spoke no English; Mr. Gallatin spoke good English, and served as interpreter for him. They appeared to be well bred gentlemen, and their conduct was agreeable and conciliating; and they soon gained the esteem and respect of the family. I do not know that they ever declared their country, but we all supposed they were French, and, of course, the people, customs, and country of France, often made the topic of fireside chat. In one of these transient conversations, Mr. Gallatin took occasion to say that his knowledge of French affairs was not very perfect, for he was not a native of France, nor had ever resided long in that country, but was from Geneva. No one interesting circumstance made any further inquiry necessary, nor do I recollect that he made any more explication of the subject.

"N. B. Mr. Gallatin once said that his original name was not Gallatin, but I think he said it was Sidney, but this conversation was in drollery, and not in earnest, as I conceived at the time of speaking from the manner and air of his speaking thereon.

"Sworn to, and subscribed, January 28, 1794."

"Mr. John Smilie, member of the House of Representatives of the United States, being sworn, saith, that at a meeting of sundry members of the Legislature of Pennsylvania, previous to Mr. Gallatin's election as a Senator of the United States, that gentleman was mentioned as a proper person to fill the said office; at which time Mr. Gallatin started some doubt respecting his being qualified, but in what words the deponent does not recollect.

That the deponent did not understand upon what the doubt was founded, though he thinks, from something said by Mr. Gallatin, that it related to Mr. Gallatin's citizenship, for, as the deponent conceived the conversation proceeded from that kind of modesty which

gentlemen usually feel upon having their names proposed upon such occasions, he did not pay much attention to it: and that his reason for forming this opinion was, his having frequently observed gentlemen to make excuses in similar situations, and from his knowledge of Mr. Gallatin's modesty of disposition. When being asked, whether he ever heard Mr. Gallatin say that he had not been a citizen of the United States nine years previous to his election, the deponent replies, he never did. Upon being asked by Mr. Lewis, counsel for the petitioners, what he had ever heard Mr. Gallatin say touching his citizenship, the deponent replies, that a considerable time subsequent to Mr. Gallatin's election, Mr. Gallatin, in conversations with the deponent, expressed an opinion, that he was qualified with respect to citizenship. What else did you ever hear Mr. Gallatin say with respect to his citizenship? The deponent answers, that he recollects having heard him say something with respect to the laws of Massachusetts not requiring an oath of allegiance, at the time of his giving his opinion as aforesaid. Did you ever hear Mr. Gallatin say he was born in Europe? The deponent replies, that he does not recollect Mr. Gallatin's saying that he was born in Europe, but that he has heard Mr. Gallatin speak of himself as a Genevan, mention his family in Geneva, and in conversations with him hath always understood him to be of Geneva. Did you ever hear Mr. Gallatin mention the time of his coming into America? He replies, that he thinks Mr. Gallatin, about a year past, mentioned that he had been then thirteen years in this country, and that he was nineteen years old when he came. Did you ever hear Mr. Gallatin say when or where he took the oath of allegiance? He replies, he heard Mr. Gallatin say that he took the oath of allegiance in Virginia, but, as to the time, the deponent cannot be precise, but he thinks, if he can recollect, that Mr. Gallatin did mention to him, though he cannot be certain; but it was not nine years before he was elected. That the deponent thinks Mr. Gallatin's doubts respecting his citizenship were founded on this ground, the witness referring in this part of his testimony to the meeting before mentioned, when these doubts were expressed; but he cannot specify the time of Mr. Gallatin's having mentioned to him the circumstance of his having taken the oath of allegiance.

"Sworn to, and subscribed, January 28, 1794."

"Mr. Thomas Stokely, being sworn, deposes and saith, that, some few days before a Senator was chosen for the State of Pennsylvania, a meeting was had to fix on a proper person to represent the State in that office; sundry persons were started as candidates, among whom was Mr. Gallatin, who, upon his being named, observed that there were many other persons more proper to fill that office: and also observed, that there might be doubts as to his citizenship, though the deponent, from the length of time, and not expecting to have been called upon, retains too slight an impression of what then passed, to be able to recollect the words with precision. That, at a subsequent meeting for the same purpose, Mr. Gallatin was finally agreed to be nominated, and the deponent heard no objection stated thereto, either by Mr. Gallatin (who was present) or any other person.

"Sworn to, and subscribed, February 1, 1794."

"The before-recited evidence being introduced and closed on the part of the petitioners, Mr. Gallatin was asked whether he had any testimony to produce on his part, to which he gave the following answer, in writing, to wit:

"The committee to whom the petition of Conrad

MARCH, 1794.]

Proceedings.

[SENATE.]

Laub, &c., was referred, having informed me that the petitioners had closed their evidence, and asked me 'whether I had any testimony to produce on my side;' I answer, that it appears to me that there is not sufficient matter charged in the petition, and proved by the testimony, to vacate my seat; that, by the resolution appointing the committee, the petition is referred to them to state the facts, 'without prejudice as to any questions which may, upon the hearing, be raised by the sitting member, as to the sufficiency of the parties and the matter charged in the petition;' that, upon the hearing, and in the present stage of the same, the question as to the sufficiency of matter, as above stated, is raised by me; that I conceive, from the evident construction of the resolution, I have a right to have that question decided by the Senate; that, until the same shall have been decided, I do not wish to be at the trouble and expense of collecting evidence at a great distance: and, therefore, that at present, I do not mean to produce any testimony, reserving, however, to myself the right which I conceive I have to produce any testimony in my favor, after the said question shall have been decided by the Senate, in case it is decided against me.

"ALBERT GALLATIN."

"Which being duly read and considered, the Committee came to the following resolution, to wit:

"Whereas the evidence on the part of the petitioners having been closed, and it appearing that Mr. Gallatin was an alien in the year 1780; and his answer, in writing, assigning reasons why he should not adduce evidence on his part in the present stage of the inquiry, not being, in the opinion of the Committee, sufficient,

"Resolved, That, in the opinion of the Committee, it is now incumbent on Mr. Gallatin to show that he has become a citizen of the United States, and when."

"Which resolution being read to Mr. Gallatin, he informed the Committee he should rely on the answer he had before given.

"All which is respectfully submitted to the honorable Senate by the Committee."

And subjoined is the statement of facts exhibited by Mr. GALLATIN, and agreed to between him and the counsel for the petitioners, as mentioned the 20th instant:

"Albert Gallatin was born at Geneva, on the 29th day of January, 1761. He left that place for the United States in April or May, 1780, arrived in Boston (Massachusetts) on the 14th or 15th July of the same year, and has ever since resided within the United States. In October, 1780, he removed from Boston to Machias in the Province of Maine, in which place and its neighborhood, he resided one year, and commenced a settlement on a tract of vacant land. During that time, he furnished, out of his own funds, supplies (amounting in value to more than sixty pounds Massachusetts currency) to Colonel John Allen, who was the commanding officer stationed there, and also Superintendent of Indian Affairs for the Eastern Department, for the use of the American troops, and on several occasions acted as a volunteer under the same officer's command. For the said supplies, he received, one year after, a warrant on the Treasury of the State of Massachusetts, which he sold at a considerable depreciation. In October, 1781, he returned to Boston; and, in the spring of 1782, was, by a vote of the Corporation of the University of Cambridge, (otherwise called Harvard College,) chosen instructor of the French language of the said University.

By the same vote he was allowed a room in the College, the privilege of the Commons at the Tutor's table, the use of the Library, and also the right of having his pay (which depended on the voluntary subscription and attendance of the students) collected by the steward of the institution, together with the other charges against the students for board and education. Those terms he accepted, and remained in that station for the term of one year. In July, 1783, he removed to Pennsylvania, and in November of the same year proceeded to Virginia, in which State he had purchased more than one thousand acres of land, (and amounting to more than one hundred pounds Virginia currency in value.) some time between July and November, 1783. Between this last mentioned period and the month of October, 1785, he purchased other lands in the said State to a very large amount, and in the said last mentioned month he took an oath of allegiance to the said State. In December, 1785, he purchased the plantation in Fayette county in Pennsylvania, on which he has lived ever since. In October, 1789, he was elected member of the Convention to amend the Constitution of Pennsylvania, and in October, 1790, 1791, and 1792, he was elected member of the Legislature of the same State. On the 28th of February, 1793, he was chosen Senator to represent the said State in the Senate of the United States, and took his seat in December following."

MONDAY, March 3.

The Communications referred to in the Message of the PRESIDENT of the UNITED STATES of the 26th of February, were in part read.

Ordered, That the further reading of them at this time be postponed.

The following Message was received from the PRESIDENT of the UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you an extract from a letter of Mr. Short, relative to our affairs with Spain; and copies of two Letters from our Minister at Lisbon, with their enclosures, containing intelligence from Algiers. The whole of these communications are made in confidence, except the passage in Mr. Short's Letter which respects the Spanish convoy.

G. WASHINGTON.

UNITED STATES, March 3, 1794.

The Message and papers therein referred to were read.

Ordered, That they lie for consideration.

The petition of Peter Trezvant, of the State of South Carolina, was read, praying compensation for certain goods bought of Robert Farquhar, and stated to be for the use of the United States, though purchased by order and appropriated to the more immediate use of the State of Georgia.

Ordered, That this petition lie on the table.

Mr. CABOT reported, from the Committee to whom was referred the bill sent from the House of Representatives for concurrence; entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States," that this bill pass the Senate; and the bill was read the second time; and, on motion, was read the third time and passed.

SENATE.]

Proceedings.

[MARCH, 1794.]

TUESDAY, March 4.

The Senate resumed the reading of the Communications referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 26th of February; and, after progress, the further reading thereof was postponed.

Mr. MARTIN, from the committee appointed on the 22d of February, to consider the Report of the Secretary for the Department of Treasury respecting a light-house on Cape Hatteras, reported a bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina; which was read the first time, and ordered to a second reading.

WEDNESDAY, March 5.

A Message from the House of Representatives informed the Senate, that they have passed a bill, entitled "An act authorizing a Loan of one million of dollars," in which they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The Secretary of State having reported to me upon the several complaints which have been lodged in his Office, against the vexations and spoliations on our commerce since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

G. WASHINGTON.

UNITED STATES, March 5, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The Senate resumed the reading of the Communications referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 26th of February last.

Ordered, That they lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the first time, and ordered to a second reading.

The bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina, was read the second time.

Ordered, That Monday next be assigned for the further consideration of this bill.

THURSDAY, March 6.

Mr. CABOT, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government, for the year 1794," reported amendments, which were read and adopted.

Ordered, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the second time, and referred to Messrs. BUTLER, CA-

BOT, and HAWKINS, to consider and report thereon to the Senate.

FRIDAY, March 7.

The bill sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government, for the year 1794," was read the third time.

Resolved, That this bill pass as amended.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

Resolved, That Messrs. KING, LANGDON, and STRONG, be a committee to join with such committee as the House of Representatives may appoint on their part, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session; that the proceedings may be so regulated as to close this session by the first Monday in April next.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," also, a bill, entitled, "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," in which bills, severally, they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill in addition to the act for the punishment of certain crimes against the United States, together with the amendments reported by the committee; and, after progress, the further consideration thereof was postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read the first time, and ordered to a second reading.

MONDAY, March 10.

The VICE PRESIDENT laid before the Senate a Letter from his Excellency Josiah Bartlett, Governor of the State of New Hampshire, enclosing the remonstrance of the Legislature of that State against the determination of the Circuit Court for the district of New Hampshire, held at Exeter on the 24th day of October, 1793; which Letter and papers referred to were read.

Ordered, That they be committed to Messrs. LIVERMORE, KING, and LANGDON, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the second time.

MARCH, 1794.]

Proceedings.

[SENATE.]

Ordered, That the further consideration thereof be the order of the day for Wednesday next.

Agreeably to the order of the day, the bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina, was read the second time, and amended.

Ordered, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate, that the House of Representatives concur in the amendments of the Senate to the bill, entitled "An act making Appropriations for the support of Government, for the year 1794." They also concur in the resolution of the Senate of the 7th instant, appointing a joint committee, and have appointed a committee on their part.

The Senate resumed the second reading of the bill "In addition to the act for the punishment of certain crimes against the United States."

On motion that the Secretary of the Senate be directed to procure, from the Secretary for the Department of State, the secret instructions given to the Commissioners for concluding a Treaty between the United States and the King of Sweden it passed in the negative.

After progress in the consideration of the bill last mentioned, the further consideration thereof at this time was postponed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to provide a Naval Armament;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

Ordered, That the Secretary purchase Blackstone's Commentaries, and Vattel's Law of Nature and Nations, for the use of the Senate.

TUESDAY, March 11.

The bill to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina, was read the third time, and passed.

Ordered, That the Attorney General for the United States be directed to report upon the petition of the inhabitants of Gallipolis, lodged in his Office by reference at the last session of Congress.

The Senate resumed the second reading of the bill in addition to the act for the punishment of certain crimes against the United States; and, after progress,

Ordered, That the further consideration thereof be postponed.

WEDNESDAY, March 12.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to transmit, to the Executives of the several States, copies of the amendment proposed by Congress to be added to the Constitution of the United States, respecting the Judicial power.

Ordered, That the Secretary desire the con-

currence of the House of Representatives in this resolution.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to provide for the defence of certain ports and harbors in the United States;" in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill, in addition to the act for the punishment of certain crimes against the United States.

On motion to strike out the 7th section of the bill, as follows:

"*And be it further enacted*, That it shall not be lawful to sell within the United States, any vessel or goods captured from a Prince or State, or from the subjects or citizens of a Prince or State, with which the United States are at peace, which vessel or goods shall have been captured by any other foreign Prince or State, or by the subjects or citizens of such Prince or State, unless such vessel and goods shall have been first carried into a port or place within the territory of the Prince or State to which the captors belong, but such vessels and goods shall be carried out of the United States by those who shall have brought them in. And the sale of any vessel or goods, prohibited as aforesaid, shall be utterly void."

It passed in the negative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

The VICE PRESIDENT determined the question in the negative.

On motion to adopt this 7th section, it passed in the affirmative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

The VICE PRESIDENT determined the question in the affirmative.

On motion to adopt the following as an additional section to the bill, to wit:

"*And be it further enacted*, That this act shall continue and be in force for and during the term of six months, and from thence to the end of the next session of Congress, and no longer."

It passed in the negative—yeas 11, nays 13, as follows:

YEAS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Langdon, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

On motion to adopt the following as an additional section to the bill, to wit:

"*And be it further enacted*, That this act shall continue and be in force for and during the term of two

SENATE.]

Proceedings.

[MARCH, 1794.]

years, and from thence to the end of the next session of Congress, and no longer."

It passed in the affirmative—yeas 17, nays 7, as follows:

YEAS.—Messrs. Bradford, Brown, Cabot, Ellsworth, Foster, Gunn, Hawkins, Jackson, Izard, King, Livermore, Martin, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Butler, Edwards, Langdon, Monroe, Robinson, and Taylor.

On motion that this bill pass to the third reading, it passed in the affirmative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

The VICE PRESIDENT determined the question in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you the translation of two Letters from the Commissioners of his Catholic Majesty to the Secretary of State, and of their enclosures.

G. WASHINGTON.

UNITED STATES, March 12, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the first time, and ordered to a second reading.

THURSDAY, March 13.

The VICE PRESIDENT laid before the Senate the Reports of the Secretary for the Department of War, on the several petitions of Asa Day, William Perkins, and Jonathan Holton.

Ordered, That they lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the second time.

Ordered, That this bill be referred to Messrs. KING, GUNN, IZARD, LANGDON, MORRIS, ELLSWORTH, and POTTS, to consider and report thereon to the Senate.

Mr. BUTLER reported, from the committee appointed to consider the bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," that the bill pass; and, the report being adopted,

Ordered, That this bill pass to the third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read the second time.

On motion, it was agreed that the further consideration of this bill be the order of the day for Monday next.

The bill, in addition to the act for the punishment of certain crimes against the United States, was read the third time.

On motion, to expunge the 8th section, as follows:

"And be it further enacted and declared, That, in every case in which a vessel shall be fitted out and armed, or attempt so to be fitted out or armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States as above defined, and in every case in which any process issuing out of any Court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel, of any foreign Prince or State, or of the subjects or citizens of such Prince or State; in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be judged necessary for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories of the United States against the territories or dominions of a foreign Prince or State, with whom the United States are at peace."

It passed in the negative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

The VICE PRESIDENT determined the question in the negative.

On the question, Shall this bill pass? it passed in the affirmative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

The VICE PRESIDENT determined the question in the affirmative. And further amendments being agreed to, it was

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act in addition to the act for the punishment of certain crimes against the United States."

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-

MARCH, 1794.]

Proceedings.

[SENATE.]

four," and a bill entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and further to continue in force the act entitled 'An act providing the means of intercourse between the United States and foreign nations;'" in which several bills they desire the concurrence of the Senate.

The bills last mentioned were severally read the first time, and ordered to a second reading.

Ordered, That the documents referred to in the PRESIDENT'S Message of the 5th instant, relative to the vexations and spoliations on the commerce of the United States, be returned to the office of the Secretary of State.

Ordered, That the Secretary of State, as soon as may be, furnish the Senate with an abstract of the vexations and spoliations lately committed upon our commerce, and upon whom, particularly noting the condemnations, as far as the documents in his office will enable him.

The bill sent from the House of Representatives for concurrence, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read the second time.

Ordered, That this bill be referred to MESSRS. CABOT, TAYLOR, ELLSWORTH, GUNN, and KING, to consider and report thereon to the Senate.

The bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE was read the third time.

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act allowing to Major General LAFAYETTE his pay and emoluments while in the service of the United States."

FRIDAY, March 14.

The VICE PRESIDENT laid before the Senate the Report from the Secretary for the War Department on the petition of Robert Connelly; which was read, and ordered to lie on the table.

Mr. KING, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," reported amendments; which, being adopted,

Ordered, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and further to continue in force the act entitled 'An act providing the means of intercourse between the United States and foreign nations;'" was read the second time.

Ordered, That this bill be referred to MESSRS. KING, MORRIS, and STRONG, to consider and report thereon to the Senate.

Mr. KING, from the committee appointed on

this bill, reported an amendment, which being adopted,

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four," was read the second time.

Ordered, That this bill be referred to MESSRS. KING, VINING, and GUNN, to consider and report thereon to the Senate.

MONDAY, March 17.

The VICE PRESIDENT laid before the Senate the Report of the Secretary for the Department of War on the petitions of Theodore Chartier and others; which was read, and ordered to lie on the table.

Mr. BRADLEY reported, from the committee appointed to consider the petition of Jabez Rogers, jr., that the prayer of the petition be granted.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the third time.

Resolved, That this bill pass with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read the second time, and referred to MESSRS. LANGDON, MORRIS, BUTLER, TAYLOR, and CABOT, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations;'" was read the third time.

Resolved, That this bill pass with an amendment.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave-trade from the United States to any foreign place or country."

On motion to postpone the bill to the next session of Congress, it passed in the negative.

Ordered, That the further consideration of this bill be postponed.

TUESDAY, March 18.

Mr. KING, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

A motion was made and seconded, that it be

"*Resolved*, That a committee be appointed to examine into and report on the practicability of obtaining state-

SENATE.]

Proceedings.

[MARCH, 1794.]

ments of the principles on which the accounts of the individual States with the United States have been settled, and a statement of the several credits allowed in the said settlement."

Ordered, That this motion lie for consideration.

Mr. LANGDON, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," reported amendments; which were in part adopted.

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act to provide for the erecting and repairing arsenals and magazines, and for other purposes;" and "A resolution that the PRESIDENT OF THE UNITED STATES, be authorized to employ, as despatch boats, such of the revenue cutters of the United States as the public exigencies may require," in which bill and resolution, severally, they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The Minister Plenipotentiary of the French Republic having requested an advance of money, I transmit to Congress certain documents relative to that subject.

G. WASHINGTON.

UNITED STATES, March 18, 1794.

The Message and papers were read, and ordered to lie for consideration.

The resolution sent from the House of Representatives for concurrence, "authorizing the PRESIDENT OF THE UNITED STATES to employ as despatch boats, such of the revenue cutters as the public exigencies may require;" was read.

Resolved, That the Senate concur therein.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the first time, and ordered to a second reading.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave-trade from the United States to any foreign place or country."

Ordered, That this bill pass to a third reading.

WEDNESDAY, March 19.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read a third time and passed.

Resolved, That the bill pass with amendments.

The report of the committee to whom was referred the petition of Jabez Rogers, jr., was read and adopted, and the committee were instructed to bring in a bill for the purposes therein expressed.

Mr. BRADLEY, from the committee last mentioned, reported a bill for the remission of the duties on certain distilled spirits destroyed by fire, which was read the first time and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four," was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the second time.

Ordered, That this bill be referred to Messrs. GUNN, KING, and BRADLEY, to consider and report thereon to the Senate.

Ordered, That leave be given to bring in a bill to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place for holding a session of Congress.

The bill was accordingly laid on the table, and read the first time.

Ordered, That this bill pass to the second reading.

THURSDAY, March 20.

The bill to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place for holding a session of Congress, was read the second time.

Ordered, That this bill be referred to Messrs. LIVERMORE, GUNN, and ELLSWORTH, to consider and report thereon to the Senate.

The bill for the remission of the duties on certain distilled spirits, destroyed by fire, was read the second time; and, the rule being dispensed with, the bill was read a third time and passed.

Mr. CABOT, from the committee to whom was referred the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," reported amendments.

Ordered, That they be printed for the use of the Senate.

Mr. GUNN, from the committee to whom was referred the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," reported amendments, which were adopted.

Ordered, That this bill pass to the third reading.

FRIDAY, March 21.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the third time.

Resolved, That this bill pass with amendments.

Mr. LIVERMORE, from the committee to whom was referred the bill to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter

MARCH, 1794.]

Proceedings.

[SENATE.]

the place for holding a session of Congress, reported amendments.

Ordered, That the amendments be printed for the use of the Senate.

The report of the committee to whom was referred the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read, and the consideration thereof postponed until Monday next.

The Senate resumed the consideration of the motion, made on the 18th instant, that it be

Resolved, That a committee be appointed to examine into and report on the practicability of obtaining statements of the principles on which the accounts of the individual States with the United States have been settled, and a statement of the several credits allowed in the said settlement."

And, on motion to adopt this resolution, it passed in the negative—yeas 6, nays 16, as follows:

YEAS.—Messrs. Edwards, Hawkins, Martin, Monroe, Potts and Taylor.

NAYS.—Messrs. Bradford, Bradley, Brown, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Jackson, Izard, Langdon, Livermore, Mitchell, Morris, Robinson, and Stroug.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for the relief of Stephen Paranque;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time and ordered to a second reading.

A motion was made,

"That a committee be appointed to consider and report in what manner the duties of the office of a District Judge shall be discharged, during the inability of the Judge of a District."

Ordered, That the motion be referred to Messrs. ELLSWORTH, STRONG, and LANGDON, to consider and report thereon to the Senate.

MONDAY, March 24.

KENSEY JOHNS appeared and produced his credentials of an appointment by the Governor of the State of Delaware as a Senator of the United States, which were read.

Whereupon it was moved that they be referred to the consideration of the Committee of Elections before the said KENSEY JOHNS should be permitted to qualify, who are directed to report thereon; and it passed in the affirmative—yeas 13, nays 12, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Edwards, Gunn, Hawkins, Jackson, Langdon, Livermore, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, Mitchell, Morris, Potts, Rutherford, Strong, and Vining.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London and in Providence river, in which they desire the concurrence of the Senate.

The memorial of a number of citizens of the State of South Carolina was presented and read, complaining of the system continued and pursued in the capture, detention, and condemnation, in British ports, of a number of vessels with their cargoes, the property of the citizens of the United States.

Ordered, That this memorial lie for consideration.

The VICE PRESIDENT laid before the Senate the report of the Attorney General, on the memorial of the French inhabitants of Gallipolis, and it was read.

Ordered, That this report, and the papers referred to, be committed to Messrs. BURR, TAYLOR, and ELLSWORTH, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place for holding a session of Congress.

Ordered, That this bill pass to the third reading.

Mr. JACKSON, gave notice that he should, tomorrow, move for leave to bring in a bill to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Stephen Paranque," was read the second time, and referred to Messrs. CABOT, ELLSWORTH, and MORRIS, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London and in Providence river," was read the first time and ordered to a second reading.

TUESDAY, March 25.

The bill to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place for holding a session of Congress, was read the third time; and, being amended,

Resolved, That this bill pass, that it be engrossed, and that the title thereof be, "An act to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place of holding a session of Congress.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London and in Providence river," was read the second time.

Ordered, That this bill be referred to Messrs. JACKSON, LANGDON, and FOSTER, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House disagree to the first amendment of the Senate to the bill entitled "An act to provide for the erecting and repairing of arsenals and magazines and for other purposes," ask a conference on the subject-matter of all the amendments to the said bill, and have

SENATE.]

Proceedings.

[MARCH, 1794.]

appointed managers at the said conference on their part.

The Senate proceeded to consider the resolution of the House of Representatives, disagreeing to the first amendment of the Senate to the bill entitled "An act to provide for the erecting and repairing of arsenals and magazines and for other purposes," and asking a conference on all the amendments. Whereupon,

Resolved, That the Senate agree to the proposed conference, and that MESSRS. GUNN, BRADLEY, and ELLSWORTH be managers at the same on the part of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES: "

*Gentlemen of the Senate, and
of the House of Representatives:*

The two Letters which I now forward to Congress were written by a Consul of the United States, and contain information which will, probably, be thought to require some pecuniary provision.

G. WASHINGTON.

UNITED STATES, March 25, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The consideration of the report of the committee on the bill sent from the House of Representatives for concurrence entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was resumed, adopted with amendment, and it was agreed that the bill be amended accordingly.

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensioners, to the attorney of the said district:" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

Conformably to notice given, Mr. JACKSON obtained leave to bring in a bill to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States; which was read the first time, and ordered to a second reading.

Resolved, That Thursday next be assigned to take into consideration the state of the Nation.

WEDNESDAY, March 26.

The bill, sent from the House of Representatives for concurrence, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read the third time.

Resolved, That this bill pass, with amendments.

A message from the House of Representatives informed the Senate, that the House have passed "A resolution laying an embargo on the vessels in the ports of the United States;" in which they desire the concurrence of the Senate.

The Senate took into consideration the last mentioned resolution, "laying an embargo on the vessels in the ports of the United States," and

Resolved, That they do concur therein with the following amendment:

After the word "States," insert "whether cleared out or not."

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendment.

Mr. BRADLEY reported from the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the Executive of the State of Delaware a Senator of the United States, in the place of George Reid, resigned.

Ordered, That the report lie for consideration.

The bill to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States, was read the second time, and referred to Messrs. ELLSWORTH, LANGDON, and STRONG, to consider and report thereon.

Mr. CABOT, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Stephen Paranke," reported the bill without amendment.

Ordered, That this bill pass to the third reading.

Mr. JACKSON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river," reported amendments which were read, and ordered to lie for consideration.

Ordered, That the Senate be at present under an injunction of secrecy in respect to the amendment to the resolution laying an embargo on the vessels in the ports of the United States.

THURSDAY, March 27.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Stephen Paranke," was read the third time and passed.

The Senate proceeded to the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the Executive of the State of Delaware to be a Senator of the United States.

On motion, that the report be recommitted, it passed in the negative; and, after progress, it was ordered that the further consideration of this report be postponed until to-morrow.

Mr. GUNN reported from the managers appointed to confer with those of the House of Representatives, on the amendments proposed by the Senate to the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," that they have agreed that it would be proper, instead of the amendments proposed to the first section, to amend the same, by striking out, from the word "stores," to the word "provided," and insert:

MARCH, 1794.]

Proceedings.

[SENATE.]

"There shall be established, under the direction of the President of the United States, three or four arsenals, with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States; either or both of the arsenals heretofore used at Springfield and Carlisle to be continued as part of the said number, at his discretion.

"And that it would be proper for the House of Representatives to agree to the other amendments proposed, except the last, and for the Senate to recede from that."

And it was agreed to adopt the report.

A message from the House of Representatives informed the Senate, that the House adhere to their disagreement to some, and recede from their disagreement to other amendments to the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes."

The Senate took into consideration the bill last mentioned; whereupon,

Resolved, That they recede from their amendments to the first section, and adopt the amendment reported by the managers at the conference thereon.

Resolved, That they recede from their amendment to the sixth section, and that they insist on their amendment to the third section of the said bill.

FRIDAY, March 28.

The Senate resumed the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the Executive of the State of Delaware to be a Senator of the United States; which report is as follows:

"The Committee of Elections, to whom were referred the credentials of an appointment by the Governor of the State of Delaware, of Kensey Johns, as a Senator of the United States, having had the same under consideration, report—

"That George Read, a Senator for the State of Delaware, resigned his seat upon the 18th day of December, 1793, and during the recess of the Legislature of said State.

"That the Legislature of the said State met in January, and adjourned in February, 1794.

"That, upon the 19th day of March, and subsequent to the adjournment of the said Legislature, Kensey Johns was appointed, by the Governor of said State, to fill the vacancy occasioned by the resignation aforesaid.

"Whereupon, the Committee submit the following resolution:

"*Resolved*, That Kensey Johns, appointed by the Governor of the State of Delaware, as a Senator of the United States, for said State, is not entitled to a seat in the Senate of the United States; a session of the Legislature of the said State having intervened, between the resignation of the said George Read and the appointment of the said Kensey Johns."

On the question to agree to this report, it passed in the affirmative—yeas 20, nays 7, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Butler, Cabot, Edwards, Ellsworth, Frelinghuysen, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Mitchell, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Foster, Izard, Morria, Potts, Rutherford, Strong, and Vining.

Resolved, That an attested copy of the resolution of the Senate, on the appointment of Kensey Johns to be a Senator of the United States, be transmitted, by the President of the Senate, to the Executive of the State of Delaware.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and
of the House of Representatives:

In the execution of the resolution of Congress, bearing date the 25th of March, 1794, and imposing an embargo, I have requested the Governors of the several States to call forth the force of their militia, if it should be necessary, for the detention of vessels. This power is conceived to be incidental to an embargo.

It also deserves the attention of Congress, how far the clearances from one district to another, under the law as it now stands, may give rise to evasions of the embargo. As one security, the collectors have been instructed to refuse to receive the surrender of coasting licenses for the purpose of taking out registers, and to require bond from registered vessels, bound from one district to another, for the delivery of the cargo within the United States.

It is not understood that the resolution applies to fishing vessels, although their occupations lie generally in parts beyond the United States. But, without further restrictions, there is an opportunity of their privileges being used as means of eluding the embargo.

All armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted,) are considered as not liable to the embargo.

These circumstances are transmitted to Congress for their consideration.

G. WASHINGTON.

UNITED STATES, March 28, 1794.

Ordered, That the Message from the PRESIDENT OF THE UNITED STATES, of this day, be referred to Messrs. BURR, MORRIS, and LANGDON, to consider and report thereon to the Senate.

The Senate proceeded to the consideration of the amendments reported by the committee to whom was referred the bill, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river;" and having adopted the same, and agreed that the bill be amended accordingly,

Ordered, That the bill pass to the third reading. The bill, sent from the House of Representatives for concurrence, entitled "An act transferring, for a limited time, the jurisdiction of suits and offences, from the District to the Circuit Court of New Hampshire, and assigning certain duties, in respect to invalid pensioners, to the attorney of the said district," was read the second time.

Ordered, That this bill pass to the third reading. Mr. VINING notified the Senate that he should, on Monday next, move for leave to bring in a bill to alter the times of holding the Circuit Courts of the United States in the district of Delaware.

Mr. ELLSWORTH, from the committee to whom was referred the bill to make provision for the widow and orphan children of Robert Forsyth,

SENATE.]

Proceedings.

[APRIL, 1794.]

who was killed in the service of the United States, reported an amendment, which was adopted, and it was agreed that the bill should be amended accordingly.

Ordered, That this bill pass to the third reading.

The Senate resumed the motion made the 25th instant, to take into consideration the state of the Nation; and, after debate,

Ordered, That the consideration thereof be postponed.

MONDAY, March 31.

The bill sent from the House of Representatives for concurrence, entitled "An act transferring for a limited time, the jurisdiction of suits and offences, from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensioners, to the attorney of the said district," was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river," was read the third time, and passed.

Mr. BURR, from the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 28th instant, reported a resolution to carry into more complete effect the resolution directing an embargo; which was read.

Resolved, That this resolution pass.

A message from the House of Representatives informed the Senate, that the House of Representatives do not concur in the resolution sent from the Senate to carry into more complete effect the resolution directing an embargo; and that they have passed "a resolution to carry into more complete effect the resolution directing an embargo;" in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the last mentioned resolution, sent from the House of Representatives for concurrence.

Resolved, That they do concur therein.

The bill to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States, was read the third time.

On motion, it was agreed to amend the bill, by inserting "two thousand," in lieu of "one thousand dollars."

On the question, Shall this bill pass? it passed in the affirmative—yeas 13, nays 8, as follows:

YEAS.—Messrs. Bradford, Burr, Butler, Cabot, Gunn, Hawkins, Jackson, Izard, King, Martin, Monroe, Morris, and Taylor.

NAYS.—Messrs. Bradley, Brown, Ellsworth, Frelinghuysen, Langdon, Livermore, Robinson, and Strong.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be, "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States."

TUESDAY, April 1.

The petition of Elkanah Prentice, praying compensation for military services, and that he be placed on the list of invalid pensioners, was presented and read.

Ordered, That this petition be referred to the Secretary for the Department of War, to consider and report thereon to the Senate.

WEDNESDAY, April 2.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary for the Department of the Treasury, enclosing "a Memoir of Mr. La Rocque, on the Politics of the United States, respecting their Public Debt and Agriculture."

The VICE PRESIDENT laid before the Senate a letter from the Hon. Anthony Morris, Speaker of the Senate of the Commonwealth of Pennsylvania, enclosing a certificate of the election of the Hon. James Ross to be a Senator, to represent said Commonwealth in the Senate of the United States; which were read.

Ordered, That they lie on file.

THURSDAY, April 3.

The VICE PRESIDENT laid before the Senate a Report of the Secretary for the Department of War, on the petition of Elkanah Prentice, which was read and ordered to lie on the table.

FRIDAY, April 4.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate and
of the House of Representatives:*

I lay before you three Letters from our Minister in London; advices concerning the Algerine mission from our minister at Lisbon and others; and a Letter from the Minister Plenipotentiary of the French Republic to the Secretary of State, with his answer.

G. WASHINGTON.

UNITED STATES, April 4, 1794.

The Message and papers therein referred to were read.

Ordered, That the Letters from the American Minister in London, and the Letter of the 27th of March last, from the Minister Plenipotentiary of the French Republic to the Secretary for the Department of State, together with his answer, referred to in the Message of the PRESIDENT OF THE UNITED STATES of this day, be printed for the use of the Senate.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to encourage the recruiting service;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

A motion was made as follows:

Ordered, That the Secretary of War do lay before the Senate, a statement of the period to which the troops of the United States have been paid.

APRIL, 1794.]

Proceedings.

[SENATE.]

Ordered, That this motion lie on the table.

Mr. KING reported, from the joint committee appointed to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session, that the proceedings may be so regulated as to close this session by the first Monday in April next; and the report was read.

Ordered, That it lie for consideration.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to establish the Post Office and Post Roads within the United States;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

MONDAY, April 7.

The bill sent from the House of Representatives for concurrence, entitled "An act to encourage the recruiting service," was read the second time, and referred to Messrs. ELLSWORTH, BROWN, and GUNN, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," was read the second time, and referred to Messrs. BROWN, BUTLER, ELLSWORTH, FOSTER, GUNN, ILAWKINS, KING, LIVERMORE, MONROE, MORRIS, POTTS, ROBINSON, RUTHERFORD, STRONG, and VINING, to consider and report thereon to the Senate.

TUESDAY, April 8.

The Senate assembled, but adjourned without transacting any business.

WEDNESDAY, April 9.

JOHN HENRY, from Maryland, attended.

A message from the House of Representatives informed the Senate, that the House have passed the following bills, to which, severally, they desire the concurrence of the Senate: a bill, entitled "An act allowing Lieutenant Colonel Towsard an equivalent for his pension for life;" a bill, entitled "An act for the relief of Leffert Lefferts and others;" a bill, entitled "An act to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army;" and a bill, entitled "An act for erecting a light-house on the island of Seguin, in the district of Maine."

The bill sent from the House of Representatives for concurrence, entitled "An act allowing Lieutenant Colonel Towsard an equivalent for his pension for life," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for the re-

lief of Leffert Lefferts and others," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize Ephraim Kimberly, to locate the land warrant issued to him for services in the late American army," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for erecting a light-house on the island of Seguin, in the district of Maine," was read the first time, and ordered to a second reading.

THURSDAY, April 10.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the amendments of the Senate to the bill entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions."

The bill sent from the House of Representatives for concurrence, entitled "An act allowing Lieutenant Colonel Towsard an equivalent for his pension for life," was read the second time, and referred to Messrs. TAYLOR, BRADLEY, and ELLSWORTH, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Leffert Lefferts and others," was read the second time.

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for erecting a light-house on the Island of Seguin, in the district of Maine," was read the second time.

On motion to add the following clause as an amendment to the bill, to wit:

"And, also, to provide by contract for building a light-house on the Island of Cumberland, at the entrance of the river St. Mary's in the State of Georgia."

Ordered, That this bill, together with the amendment proposed thereto, be referred to Messrs. CABOT, JACKSON, and RUTHERFORD, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army," was read the second time, and referred to Messrs. MITCHELL, BROWN, and MONROE, to consider and report thereon to the Senate.

FRIDAY, April 11.

The Senate assembled: but the several committees not having perfected their reports, they adjourned.

MONDAY, April 14.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary for the Department of Treasury, with a general statement of exports from

SENATE.]

Proceedings.

[APRIL, 1794.]

the United States for one year, ending on the 30th day of September, 1792; which were read, and ordered to lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Leffert Lefferts and others," was read the third time, and passed.

TUESDAY, April 15.

Mr. MITCHELL, from the committee to whom was referred the bill, entitled "An act to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army," reported, that the bill pass without amendment; and, the report being adopted,

Ordered, That this bill pass to a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you a Letter from the Minister Plenipotentiary of his Britannic Majesty to the Secretary of State; a Letter from the Secretary of the Territory South of the river Ohio, enclosing an Ordinance and Proclamation of the Governor thereof; the translation of so much of a petition of the inhabitants of Post Vincennes, addressed to the PRESIDENT, as relates to Congress; and certain despatches lately received from our Commissioners at Madrid. These despatches from Madrid being a part of the business which has been hitherto deemed confidential, they are forwarded under that view.

G. WASHINGTON.

UNITED STATES, April 15, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

WEDNESDAY, April 16.

The bill sent from the House of Representatives for concurrence, entitled, "An act to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army," was read the third time, and passed.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act to establish the Post Office and Post Roads within the United States," reported amendments, which were read and adopted; and, the bill being amended accordingly,

Ordered, That this bill pass to a third reading.

THURSDAY, April 17.

The Senate was, to-day, principally engaged in Executive business.

FRIDAY, April 18.

The petition of Ebenezer Parsons and others, was presented and read, praying that certain vessels mentioned in the petition, on account of the perishable nature of their cargoes, may be exempted from the embargo.

Ordered, That this petition lie on the table.

Two memorials, from Spencer Man and Frantz Jacob Foltz, were presented and severally read,

praying allowance of the drawback on a quantity of exported coffee and brandy, the petitioners being unavoidably prevented from compliance with the legal formalities requisite to entitle them thereto.

Ordered, That these petitions severally lie on the table.

A message from the House of Representatives informed the Senate, that the House have passed "a resolution to continue the present embargo on ships or vessels in the ports of the United States, bound to any foreign port or place," in which they desire the concurrence of the Senate. The resolution was read.

Mr. BRADLEY reported, from the committee to whom was referred the consideration of the laws passed in the Territory of the United States Northwest of the river Ohio, from July to December, inclusive, that they be referred to the next session of Congress: and the report was adopted.

The Senate took into consideration "the resolution to continue the present embargo on ships or vessels in the ports of the United States, bound to any foreign port or place."

On motion, it was agreed to amend the resolution by striking out all the provisos, as follow:

"*Provided*, That nothing in this resolution be construed as intended to contravene any rights or privileges arising out of treaty or treaties between any foreign nation and the United States: *And provided, also*, That the President of the United States be authorized to permit the sailing of any vessel for the sole purpose of lodging, in the Courts of Vice Admiralty in any of the West India Islands, appeals from sentences, or decrees, of the said Courts, whereby vessels or cargoes claimed by American citizen or citizens, have been condemned: *Provided*, That bond, with sufficient security, be previously given that such vessel shall not, directly or indirectly, carry on any commerce whatsoever during the voyage."

On the question, to concur in the resolution as amended, it passed in the affirmative—yeas 17, nays 10, as follows:

YEAS.—Messrs. Brown, Burr, Butler, Edwards, Frelinghuysen, Gunn, Hawkins, Henry, Jackson, Izard, King, Langdon, Martin, Monroe, Potts, Rutherford, and Taylor.

NAYS.—Messrs. Bradford, Bradley, Cabot, Ellsworth, Foster, Livermore, Morris, Robinson, Strong, and Vining.

The bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," was in part read the third time.

Ordered, That the further consideration of the bill, at this time, be postponed.

SATURDAY, April 19.

On motion, that the petition of Ebenezer Parsons, and others, praying for an exemption from the embargo, be referred to a special committee, it passed in the negative.

Ordered, That Ebenezer Parsons, and others, have leave to withdraw their petition.

APRIL, 1794.]

Proceedings.

[SENATE.]

MONDAY, April 21.

The bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," was read the third time, and further amendments being agreed to,

Resolved, That this bill pass as amended.

On motion to reconsider the resolution that this bill pass, for the purpose of further amendment, it passed in the negative.

The petition of Messrs. Stewart and Plunket was presented and read, praying reimbursement of the duties on a quantity of coffee, said to be destroyed by fire. Referred to Messrs. POTTS, CABOT, and EDWARDS, to consider and report thereon.

The petition of Henry Merchant, District Judge for Rhode Island, praying an augmentation of his salary, was presented and read.

Ordered, That this petition lie on the table.

A motion was made as follows:

"That the Journals of the Senate, and reports from the Heads of Departments, printed by order of the Senate, shall be in octavo:

"That, if the House of Representatives concur, three hundred copies of the Journals of both Houses since the commencement of the present Government, be printed for the use of Congress."

Ordered, That this motion lie for consideration.

TUESDAY, April 22.

The VICE PRESIDENT laid before the Senate a Letter from Monsr. Olive, with a plan of a forty gun ship; which were ordered to lie on the table.

Mr. TAYLOR, from the committee to whom was referred the bill, entitled "An act allowing Lieutenant Colonel Tousard an equivalent for his pension for life," reported an amendment.

Ordered, That this report lie, until to-morrow, for consideration.

The petition of Stephen Parsons, in behalf of William Parsons, was presented and read, praying compensation for military services to the said William, who has been hitherto prevented from applying by his absence from the country.

Ordered, That this petition lie on the table.

The Senate resumed the consideration of the motion made yesterday, relative to the mode of printing the journals, bills, and reports, from the Heads of Departments; and, having amended the same,

Resolved, That, after the present session, the bills, the journals, and all reports, from the Heads of Departments, and all official communications which may be directed to be printed by order of the Senate, shall be in octavo.

WEDNESDAY, April 23.

The Senate resumed the consideration of the report of the committee on the bill, entitled "An act allowing Lieutenant Colonel Tousard an equivalent for his pension for life;" and, having adopted the same, and amended the bill accordingly,

The rule was dispensed with, and the bill read the third time, and passed.

The petition of James Shaw was presented and read, praying compensation for military services and supplies.

On motion, that the petition be referred to a special committee, it passed in the negative.

Ordered, That the petitioner have leave to withdraw his petition.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to some and agree to other amendments of the Senate to the bill entitled "An act to establish the Post Office and Post Roads within the United States;" and that the House of Representatives have passed the bill entitled "An act directing a detachment from the Militia of the United States;" and the bill entitled "An act providing for raising and organizing a Corps of Artillerists and Engineers;" in which several bills they desire the concurrence of the Senate.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, enclosing the translation of a Letter from the members of the Committee of Public Safety in France, the original of which was addressed to Congress.

On motion that it be referred to a committee to take the same into consideration, and to report the draft of an answer, it was agreed that the consideration thereof be postponed until to-morrow.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to sundry amendments of the Senate to the bill entitled "An act to establish the Post Office and Post Roads within the United States."

Resolved, That they insist on their tenth amendment to the first section, and to their amendment for adding a new section, to follow the twenty-seventh section, and that a conference with the House of Representatives be requested on the subject of disagreement; and that Messrs. KING, BURR, and JACKSON, be managers at the same on the part of the Senate.

On the question that the Senate recede from their amendment for striking out the twenty-first section, as follows:

SEC. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States free of postage, under such regulations as the Postmaster General shall provide."

It passed in the affirmative—years 17, nay 9, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Butler, Edwards, Foster, Frelinghuysen, Gunn, Henry, Jackson, Langdon, Livermore, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Cabot, Ellsworth, Hawkins, Izard, King, Morris, Potts, Rutherford, and Strong.

The bill sent from the House of Representatives for concurrence entitled "An act directing a detachment from the Militia of the United States" was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence entitled "An act providing for

SENATE.]

Proceedings.

[APRIL, 1794.]

raising and organizing a Corps of Artillerists and Engineers" was read the first time, and ordered to a second reading.

THURSDAY, April 24.

JAMES ROSS, from Pennsylvania, attended, and took his seat in the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for raising and organizing a Corps of Artillerists and Engineers" was read the second time, and referred to Messrs. GUNN, TAYLOR, BRADLEY, KING, and LANGDON, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act directing a detachment from the Militia of the United States" was read the second time, and referred to the committee last named, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House agree to the proposed conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill entitled "An act to establish the Post Office and Post Roads within the United States," and have appointed managers at the said conference on their part.

The Senate resumed the consideration of the Letter yesterday laid before the Senate from the Committee of Public Safety of the French Republic. A motion was made that it be

Ordered, That the Letter of the Committee of Public Safety of the French Republic, addressed to Congress, be transmitted to the President, and that he be requested to cause the same to be answered, on behalf of the United States, in such manner as shall manifest their sincere friendship and good will for the French Republic."

On which it was moved that this motion be referred to a committee, to consider and report thereon; and it passed in the negative—yeas 13, nays 15, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Livermore, Morris, Potts, Ross, Rutherford, Strong, and Vining.

A motion was made by Mr. MARTIN to postpone the consideration of the motion before the Senate, for the purpose of considering the following motion:

Resolved by the Senate and House of Representatives in Congress assembled, That the Letter of the Committee of Public Safety of the French Republic, addressed to Congress, be transmitted to the President, and that he be requested to cause the same to be answered, in behalf of the United States, in such manner as shall manifest their friendship and good will for the French nation, with their sincere wishes for the prosperity of that Republic."

And it passed in the negative.

On motion it was agreed to amend the original

motion by inserting the words "Senate of the" before the word "United."

On motion to amend the motion by adding, after the word "States," the words "congratulating them upon the late brilliant successes of the arms of the Republic, and the establishment of liberty and order and the progress of industry," it passed in the negative.

On the question to agree to the motion amended as follows:

Ordered, That the Letter of the Committee of Public Safety of the French Republic, addressed to Congress, be transmitted to the President, and that he be requested to cause the same to be answered, on behalf of the Senate of the United States, in such manner as shall manifest their sincere friendship and good will for the French Republic."

It passed in the affirmative—yeas 28, as follows:

Messrs. Bradford, Bradley, Brown, Burr, Butler, Cabot, Edwards, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Henry, Jackson, Izard, King, Langdon, Livermore, Martin, Monroe, Morris, Potts, Robinson, Ross, Rutherford, Strong, Taylor and Vining.

Ordered, That the Secretary lay a copy of this vote of the Senate before the PRESIDENT OF THE UNITED STATES.

Mr. ELLSWORTH, from the committee to whom was referred the bill entitled "An act to encourage the Recruiting Service," reported amendments.

Ordered, That the amendments be printed for the use of the Senate.

FRIDAY, April 25.

The VICE PRESIDENT laid before the Senate a Report from the Secretary of the Department of War respecting invalid pensioners; which was read, and referred to Messrs. TAYLOR, ELLSWORTH, BROWN, JACKSON, and LIVERMORE, to consider and report thereon to the Senate.

The amendments reported by the committee to the bill entitled "An act to encourage the Recruiting Service" were considered, adopted, and the bill amended accordingly; and, the rule being dispensed with, the bill was read the third time and passed.

A message from the House of Representatives informed the Senate that the House agree to the amendment of the Senate to the bill entitled "An act allowing Lieutenant Colonel Tousard an equivalent for his pension for life;" they have passed a bill entitled "An act to suspend the importation of certain Goods, Wares, and Merchandise," in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

MONDAY, April 28.

Mr. KING reported, from the managers at the conference on the part of the Senate on the disagreeing votes of the two Houses respecting the bill entitled "An act to establish the Post Office and Post Roads within the United States;" and the report was adopted. Whereupon,

Resolved, That, in lieu of the tenth amendment

APRIL, 1794.]

Proceedings.

[SENATE.]

proposed by the Senate, the following be substituted: make the two paragraphs one, thus: after "Canajoharie," strike out "to," and insert "and;" and, after "Whitestown," strike out all that follows, to "Montgomery," inclusive, and insert "to Canandorque, and from some convenient point in that line," so that the paragraph be read thus: "From Albany, by Schenectady, Canajoharie, and Whitestown, to Canandorque, and from some convenient point in that line through Cherry Valley to the Court-house, in Cooperstown, in the county of Otsego."

In the new section proposed by the Senate to follow the 27th section, after the words "two cents," insert, "Provided, That no letter shall be delivered to such letter-carrier for distribution addressed to any person who shall have lodged at the post office a written request that his letters shall be detained in the office."

Ordered, That the Secretary desire the concurrence of the House of Representatives in these amendments.

The bill sent from the House of Representatives for concurrence entitled "An act to suspend the importation of certain Goods, Wares, and Merchandise" was read the second time.

A motion was made to refer this bill to a committee of five; and, after debate, was withdrawn; and, a second motion for a commitment being made, it passed in the negative.

On the question to agree to the first section of the bill, as follows:

"Whereas the injuries which have been suffered, and may be suffered, by the United States from violations committed by Great Britain on their neutral rights and commercial interests, as well as from her failure to execute the seventh article of the Treaty of Peace, render it expedient, for the interests of the United States, that the commercial intercourse between the two countries should not, during the continuance of these embarrassments, be carried on in the extent at present allowed:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 1st day of November next, it shall be unlawful to import into the United States any goods, wares, or merchandise, whatever, of the growth, produce, or manufacture of Great Britain or Ireland; and, if any such shall be imported, the same shall be forfeited, and may be seized by any of the officers of the customs; and, where the value thereof, according to the highest market price, shall amount to four hundred dollars, the vessel importing the same, with her tackle, apparel, and furniture, shall be subject to like seizure and forfeiture: *Provided*, That this prohibition and forfeiture shall not extend to any such articles as are now exempted from duty."

It passed in the negative—yeas 11, nays 14, as follows:

YEAS.—Messrs. Brown, Burr, Butler, Edwards, Gunn, Hawkins, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Morris, Potts, Ross, Rutherford, Strong, and Vining.

And the question being severally put on the subsequent sections of the bill, it passed in the negative.

On motion that this bill pass to the third reading, it passed in the negative—yeas 13, nays 13, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Morris, Potts, Rutherford, Strong, and Vining.

The VICE PRESIDENT determined the question in the negative.

Ordered, That the Secretary acquaint the House of Representatives, that the Senate do not concur in this bill.

A message from the House of Representatives informed the Senate that the House disagree to the first and agree to the second amendment of the Senate to the bill entitled "An act to encourage the Recruiting Service."

Mr. GUNN, from the committee to whom was referred the bill entitled "An act providing for raising and organizing a Corps of Artillerists and Engineers," reported the bill without amendment; and, the report being adopted, it was ordered that this bill pass to the third reading.

The Senate took into consideration the resolution of the House of Representatives disagreeing to the amendment of the Senate to the first section of the bill, entitled "An act to encourage the Recruiting Service;" and,

Resolved, That the Senate adhere to their amendment to the first section of the said bill.

TUESDAY, April 29.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for raising and organizing a corps of Artillerists and Engineers," was read the third time.

On motion that this bill be recommitted, it passed in the negative.

Resolved, That this bill pass.

Mr. BURR, from the committee to whom was referred the Report of the Attorney General on the memorial of the French inhabitants of Gallipolis, reported a bill for their relief; which was read the first time, and ordered to a second reading.

A message from the House of Representatives informed the Senate, that the House ask a conference on the amendment adhered to by the Senate to the bill entitled "An act to encourage the Recruiting Service," and have appointed managers at the same on their part.

The Senate took into consideration the resolution of the House of Representatives asking a conference on the amendment adhered to by the Senate on the last-mentioned bill; and resolved that they do agree to the proposed conference, and that Messrs. STRONG, ELLSWORTH, and GUNN, be managers thereof on the part of the Senate.

WEDNESDAY, April 30.

The bill for the relief of the French inhabitants of Gallipolis was read the second time, and refer-

SENATE.]

Proceedings.

[MAY, 1794.]

red to Messrs. BROWN, BURR, TAYLOR, KING, and POTTS, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, respecting a statement of the spoiliations committed on the commerce of the United States; which was read, and laid on the table.

The petition of James Mathers, Doorkeeper to the Senate, praying for an augmentation of his salary, was considered and referred to Messrs. TAYLOR, MORRIS, and CABOT.

Ordered, That the petition of George Taylor and others, Principal Clerks in the several Departments of State, of War, and of Treasury, praying for an augmentation of their salaries, respectively, be referred to the same committee, to consider and report thereon to the Senate.

THURSDAY, May 1.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States,'" in which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to a second reading.

Mr. POTTS, from the committee to whom was referred the petition of Messrs. Stewart and Plunkett, reported a bill for the remission of the duties on eleven hogsheds of coffee, which have been destroyed by fire; and the bill was read the first time, and ordered to a second reading.

FRIDAY, May 2.

The bill for the remission of the duties on eleven hogsheds of coffee, which have been destroyed by fire, was read the second time.

Ordered, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States,'" was read the second time, and the further consideration of the bill was postponed until Monday next.

Mr. GUNN, from the committee to whom was referred the bill entitled "An act directing a detachment from the Militia of the United States," reported an amendment, as follows:

"SEC. 5. *And be it further enacted*, That this act shall continue in force for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer."

Which report being adopted, and the bill further amended, it was ordered to the third reading.

Mr. TAYLOR, from the committee to whom was referred the petition of James Mathers, Doorkeeper to the Senate, for further compensation, reported a resolution on the subject; and on the petition of George Taylor and others, clerks in the several Departments, reported, from the same committee, that their petition lie on the table, the subject

thereof being under the consideration of the House of Representatives; and the reports were severally agreed to. Whereupon,

Resolved, That the said James Mathers, for extraordinary services as Doorkeeper to the Senate, be allowed the sum of one hundred and twenty dollars, to be paid by the Secretary of the Senate, out of the money appropriated by law to defray the contingent expenses of the two Houses of Congress.

The petition of George Southerland, a soldier of the militia of the State of Kentucky, wounded by the Indians in the year 1790, was presented and read, praying the aid of Government, under disability thereby from labor.

Ordered, That this petition be referred to the Secretary for the Department of War, to consider and report thereon to the Senate.

On motion,

"That a committee be appointed to consider the expediency, and, if they think proper, to report a bill for authorizing the President of the United States to provide timber of suitable qualities and dimensions, and in sufficient quantities, for the framing and building twenty ships of forty-four guns, and to cause the same to be cured in a manner that may render it the most durable."

Ordered. That this motion lie for consideration until Monday next.

MONDAY, May 3.

The bill for the remission of the duties on eleven hogsheds of coffee, which have been destroyed by fire, was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act directing a detachment from the Militia of the United States," was read the third time, and, being further amended,

Resolved, That this bill pass with amendments.

The motion made on the 2d instant, that a quantity of timber be provided for the building twenty ships, of forty-four guns each, was considered.

Ordered, That it lie for further consideration.

Mr. LIVERMORE, from the committee to whom was referred the remonstrance of the Legislature of New Hampshire respecting a decree of the Circuit Court of the United States, in a cause there pending between David Stoddard Greenough, and others, libellants, and John Penhallow, and others, respondents, reported—

"That the State of New Hampshire being a free, sovereign, and independent State, long before the Confederation of the United States, made a law for the purpose of privateering against the common enemy, and to establish Courts for the legal trial and condemnation of prizes; that, in pursuance of said law, the said brig *Lusanna*, mentioned in said remonstrance, was captured, tried, and condemned, according to law, and distributed by order of Court among the captors and owners of the privateer. The committee further report, that the said brig and her cargo were insured in London against all risk and dangers of the sea, and all American privateers: and that, after the capture and condemnation aforesaid, the owners of said brig *Lusanna* and cargo were paid for the loss by the underwriters. And, fur-

MAY, 1794.]

Proceedings.

[SENATE.]

ther, that the said State of New Hampshire never gave an appellate jurisdiction in this cause to any Foreign Court or Power whatsoever; and that all interference therein by any other than the Courts of New Hampshire, is, in the opinion of the committee, a violation of the freedom, sovereignty, and independence of said State. All which is humbly submitted."

Ordered, That this report lie on the table.

Mr. MONROE notified the Senate that he should to-morrow move for leave to bring in a bill to suspend the execution of the fourth article of the Treaty between the United States and Great Britain until the United States shall be assured of a satisfactory compliance with the articles stipulated in the said Treaty to be performed on the part of Great Britain.

On motion, it was agreed that the rule be dispensed with at this time, and that Mr. KING have leave to introduce a bill prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same; and the bill was read the first time accordingly, and ordered to a second reading.

TUESDAY, May 6.

The bill prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same, was read the second time, and referred to Messrs. HAWKINS, KING, and LIVERMORE, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that they have passed a "Resolution to authorize the PRESIDENT to grant clearances in the cases of ships or vessels now loaded and bound to any port beyond the Cape of Good Hope," in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the resolution last mentioned.

Resolved, That this resolution pass, with an amendment.

Mr. SMONG reported, from the managers at the conference on the disagreeing votes of the two Houses on the bill, entitled "An act to encourage the Recruiting Service," that the House of Representatives should recede from their disagreement to the amendments of the Senate, and that the following section be inserted in the bill:

"And be it further enacted, That each non-commissioned officer and soldier now in the service of the United States, whose term of enlistment shall not expire before the first day of January next, shall be allowed and paid the sum of four dollars."

And the report was agreed to.

A message from the House of Representatives informed the Senate that the House have rejected the report of the managers at the conference on the bill entitled "An act to encourage the recruiting service," and adhere to their disagreement to the amendment of the Senate to the first section of the said bill. The bill was accordingly lost.

On motion,

"That a committee be appointed to report to the Senate what part of the trade of the United States may

be released from the effect of the present embargo, without interfering with the principle that induced the laying of the same."

Ordered, That this motion lie until to-morrow for consideration.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States.'"

Ordered, That this bill pass to the third reading.

The motion made on the 2d instant, that a quantity of timber be provided for building twenty ships, of forty-four guns each, was further considered.

Ordered, That this motion be referred to Messrs. HAWKINS, MORRIS, LANGDON, BUTLER, and CABOT, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House disagree to the amendment of the Senate to the "Resolution to authorize the PRESIDENT OF THE UNITED STATES to grant clearances in the cases of ships or vessels now loaded and bound to any port beyond the Cape of Good Hope."

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to the amendment of the Senate to the resolution last mentioned.

Resolved, That they recede therefrom.

Agreeably to the notice of yesterday, Mr. MONROE requested leave to introduce a bill providing, under certain limitations, for the suspension of the fourth article of the Treaty of Peace between the United States and Great Britain; and, on motion for the previous question, to wit: Shall the main question be now put? it passed in the affirmative—yeas 12, nays 7, as follows:

YEAS.—Messrs. Cabot, Ellsworth, Frelinghuysen, Henry, Izard, King, Monroe, Morris, Potts, Ross, Strong, and Taylor.

NAYS.—Messrs. Bradford, Foster, Hawkins, Jackson, Langdon, Livermore, and Martin.

And on the main question, to wit: Shall leave be given to bring in the said bill—it passed in the negative—yeas 2, nays 14, as follows:

YEAS.—Messrs. Monroe, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Langdon, Livermore, Morris, Potts, Ross, and Strong.

WEDNESDAY, May 7.

On motion by the Senators of that State,

Ordered, That the papers accompanying the remonstrance of the Legislature of the State of New Hampshire, against the determination of the Circuit Court for the district of New Hampshire, held at Exeter on the 24th day of October, 1793, be withdrawn.

Mr. HAWKINS, from the committee to whom was referred the bill prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same, reported amendments, which were read, adopted, and the bill amended accordingly.

SENATE.]

Proceedings.

[MAY, 1794.]

Ordered, That this bill be engrossed for a third reading.

The motion made yesterday "that a committee be appointed to report to the Senate what part of the trade of the United States may be released from the effect of the present embargo, without interfering with the principle that induced the laying of the same," was resumed.

Ordered, That this motion be referred to Messrs. BUTLER, ELLSWORTH, and BRADFORD, to consider and report thereon to the Senate.

The petition of Oliver and Thompson, and others, merchants of Baltimore, was presented and read, praying that further time may be allowed for the payment of certain impost duties, about to fall due, for reasons stated in the petition.

Ordered, That this petition be referred to the committee last named.

The petition of Oliver and Thompson, merchants of Baltimore, was presented and read, praying that part of the impost duties on a quantity of Irish linens and Madeira wine, said to be overrated by mistake, may be refunded. Referred to the Secretary for the Department of the Treasury, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States,'" was read the third time; and, being amended,

Resolved, That this bill pass, with an amendment.

THURSDAY, May 8.

A message from the House of Representatives informed the Senate, that the House have passed the bill sent from the Senate for concurrence, entitled "An act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina," with amendments, in which they desire the concurrence of the Senate.

Mr. BUTLER reported, from the committee appointed yesterday, on the motion for freeing a part of the trade of the United States from the operation of the present embargo:

"That, in their opinion, it is not advisable to grant any partial enlargements or permissions for the departure of vessels now embargoed."

Ordered, That this report lie on the table.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina."

Resolved, That the Senate concur in the amendments to the said bill.

The engrossed bill prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same, was read the third time.

Resolved, That this bill pass, that the title thereof be "An act prohibiting, for a limited time, the

exportation of arms and ammunition, and encouraging the importation of the same."

On motion by Mr. LIVERMORE, the rule was dispensed with, and permission given to introduce a bill in addition to "The act for making further and more effectual provision for the protection of the frontiers of the United States;" which was read the first time and ordered to a second reading.

Ordered, That Messrs. LIVERMORE, JACKSON, and MONROE, be a committee to bring in a bill to alter the time for the next meeting of Congress.

Mr. LIVERMORE, from the committee appointed for the purpose, reported a bill to alter the time for the next meeting of Congress; which was read the first time, and the rule being dispensed with, the bill was read the second time.

Ordered, That the bill be engrossed for the third reading.

The VICE PRESIDENT laid before the Senate a Letter from Samuel Meredith, Treasurer of the United States, with his account for the two quarters closing the 31st of December, 1793, as also his War Department account, ending the 31st of March last.

The Letter was read, and ordered, with the papers, to lie on the table.

FRIDAY, May 9.

The bill in addition to the act making further and more effectual provision for the protection of the frontiers of the United States, was read the second time.

On motion to add the following as an additional section to the bill, to wit:

"And be it further enacted, That there shall be allowed and paid, from and after the first day of June next, to each private soldier now in service, or hereafter to be enlisted, the additional pay of one dollar per month, during the term of their respective enlistment."

It passed in the negative—yeas 7, nays 16, as follows:

YEAS.—Messrs. Edwards, Henry, Jackson, Livermore, Morris, Potts, and Ross.

NAYS.—Messrs. Bradford, Brown, Burr, Butler, Ellsworth, Foster, Fellinghuysen, Gunn, Hawkins, Izard, King, Langdon, Martin, Monroe, Strong, and Taylor.

On motion to strike out the following words from the third section of the bill, to wit:

"And under such special circumstances as in the opinion of the President of the United States may require an augmentation of some parts of their rations, the President be authorized to direct such augmentation as he may judge necessary, not exceeding"

It passed in the negative—yeas 9, nays 11, as follows:

YEAS.—Messrs. Burr, Cabot, Edwards, Hawkins, Jackson, Martin, Monroe, Potts, and Ross.

NAYS.—Messrs. Bradford, Brown, Ellsworth, Foster, Gunn, Izard, King, Langdon, Livermore, Morris, and Strong.

Ordered, That this bill be engrossed for a third reading.

The engrossed bill to alter the time for the next meeting of Congress was read the third time.

On motion to strike out the words "first Mon-

May, 1794.]

Proceedings.

[SENATE.]

day in November next," and insert "second Monday in November next," it passed in the negative.

On motion that this bill pass as engrossed, it passed in the negative.

Mr. Brown, from the committee to whom was referred the bill for the relief of the French inhabitants of Gallipolis, reported the following Order:

"That Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Green, do appear before the Senate on the — day of December next, to show cause, if any they have, why so much of a grant and deed of conveyance for seven hundred and fifty thousand acres of land, bordering on the Ohio river, executed by the President of the United States, to the said Putnam, &c., in trust for the Ohio Company of Associates, pursuant to an act, entitled 'An act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates,' shall not be declared void, as may be sufficient to satisfy the claims of the French settlers at Gallipolis.

"Ordered, That the delivery of a copy of the above order to Rufus Putnam, Manassah Cutler, Robert Oliver, or Griffin Green, and the publication of the same one week in one of the gazettes printed in this city, shall be deemed sufficient notice thereof."

Ordered, That this report lie for consideration.

MONDAY, May 12.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act providing for the payment of certain expenses incurred by Fulwar Skipwith, on public account;" in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read twice, and referred to Messrs. ELLSWORTH, FRELINGHUYSEN, and ROSS, to consider and report thereon to the Senate.

Ordered, That the rule be dispensed with, and that Mr. ELLSWORTH have permission to bring in a bill to authorize District Judges to adjourn Circuit Courts; which was read twice, and referred to Messrs. ELLSWORTH, FRELINGHUYSEN, and ROSS, to consider and report thereon to the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

As the Letter which I forwarded to Congress on the 15th day of April last, from the Minister Plenipotentiary of his Britannic Majesty to the Secretary of State, in answer to a memorial of our Minister in London, related to a very interesting subject, I thought it proper not to delay its communication. But, since that time, the memorial itself has been received, in a Letter from our Minister, and a reply has been made to that answer by the Secretary of State. Copies of them are, therefore, now transmitted.

I also send the copy of a Letter from the Governor of Rhode Island, enclosing an Act of the Legislature of that State, empowering the United States to hold lands within the same for the purpose of erecting fortifications; and certain papers concerning patents for the donation lands to the ancient settlers of Vincennes upon the Wabash.

G. WASHINGTON.

UNITED STATES, May 12, 1794.

3D CON.—4

The Message and papers therein referred to were read, and ordered to lie for consideration.

The engrossed bill in addition to the "Act for making further and more effectual provision for the protection of the frontiers of the United States," was read the third time, and passed.

The VICE PRESIDENT laid before the Senate a Letter signed Jacob Morgan, chairman, addressed to the Speaker of the Senate of Congress, enclosing "Resolutions of a meeting of a number of the manufacturers of the city of Philadelphia, respecting a further revenue by an excise upon certain domestic manufactures, as contemplated by the House of Representatives of Congress."

On motion that these resolutions be read, it passed in the affirmative—yeas 14, nays 10, as follows:

YEAS.—Messrs. Brown, Burr, Edwards, Foster, Gunn, Hawkins, Henry, Jackson, Langdon, Martin, Monroe, Potts, Robinson, and Ross.

NAYS.—Messrs. Bradford, Butler, Cabot, Ellsworth, Frelinghuysen, Izard, King, Livermore, Morris, and Rutherford.

The resolution being read, a motion was made as follows:

"A paper signed Jacob Morgan, chairman, having been read, and the same appearing to be disrespectful to the Senate, ordered that the same be dismissed."

On which the previous question was moved for, to wit:

Shall the main question be now put? and it passed in the affirmative—yeas 15, nays 9, as follows:

YEAS.—Messrs. Bradford, Brown, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Izard, King, Livermore, Morris, Potts, and Rutherford.

NAYS.—Messrs. Burr, Edwards, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Ross.

On motion to agree to the main question, it passed in the affirmative—yeas 15, nays 9, as follows:

YEAS.—Messrs. Bradford, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Henry, Izard, King, Livermore, Morris, Potts, and Rutherford.

NAYS.—Messrs. Brown, Burr, Edwards, Jackson, Langdon, Martin, Monroe, Robinson, and Ross.

So it was ordered, that a paper signed Jacob Morgan, chairman, having been read, and the same appearing disrespectful to the Senate, that the same be dismissed.

On motion that the memorial of Mr. Pinckney, the answer of Mr. Hammond, and the letter of the Secretary of State of the 1st of May, to Mr. Hammond, relative to the British instructions of the 8th June last, be printed for the use of the members of the Senate.

TUESDAY, May 13.

The Senate proceeded to consider the report of the committee to whom was referred the bill for the relief of the French inhabitants of Gallipolis; and the report being amended, was agreed to, and it was accordingly

Ordered, That Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Green, do, upon the

SENATE.]

Proceedings.

[May, 1794.]

third Monday of December next, show cause to the Senate why so much of the grants of land to them, the said Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Green, pursuant to an act, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates," shall not be declared void, as may interfere with, and be sufficient to satisfy the claims of the French settlers of Gallipolis.

Ordered, That the delivery of a copy of the above order to Rufus Putnam, Manassah Cutler, Robert Oliver, or Griffin Green, and the publication of the same one month in one of the gazettes printed in this city, shall be deemed sufficient notice thereof.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for the relief of Reuben Smith and Nathan Strong," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read the first time, and ordered to a second reading.

The petition of Dennis M'Ready, and others, in behalf of the manufacturers of tobacco and snuff, against an additional tax on those articles, was presented and read.

Ordered, That this petition lie on the table.

Mr. ELLSWORTH, from the committee to whom was referred the bill to authorize District Judges to adjourn Circuit Courts, reported the bill amended; and the report being agreed to, and the bill amended accordingly, the rule was dispensed with, and the bill was read the third time, and passed.

WEDNESDAY, May 14.

Mr. ELLSWORTH, from the committee to whom was referred the bill, entitled "An act providing for the payment of certain expenses incurred by Fulwar Skipwith, on public account," reported amendments, which were adopted; and the bill was amended accordingly. The rule being dispensed with, the bill was then read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Reuben Smith and Nathan Strong," was read the second time, and ordered to a third reading.

Mr. CABOT, from the committee to whom was referred the bill entitled "An act for erecting a light-house on the Island of Seguin in the district of Maine," reported amendments, which were adopted, and the bill was amended accordingly, and the rule being dispensed with, the bill was read the third time.

Resolved, That this bill pass with amendments.

A motion was made that the next session of Congress be held at Boston.

Ordered, That this motion lie for consideration.

THURSDAY, May 15.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Reuben Smith and Nathan Strong," was read the third time, and passed.

Mr. ELLSWORTH, from the committee to whom was referred certain resolutions moved for the 15th of April last, by the Senators of Kentucky, relating to the navigation of the Mississippi, and the negotiation at the Court of Spain, reported—

"That, in the negotiation now carrying on at Madrid between the United States and Spain, the right of the former to the free navigation of the Mississippi is well asserted and demonstrated, and their claim to its enjoyment is pursued with all the assiduity and firmness which the magnitude of the subject demands, and will doubtless continue to be so pursued until the object shall be obtained, or adverse circumstances shall render the further progress of the negotiation impracticable. That, in the present state of the business, it would be improper for Congress to interfere. But, in order to satisfy the citizens of the United States more immediately interested in the event of this negotiation, that the United States have uniformly asserted their right to the free use of the navigation of the river Mississippi, and have employed and will continue to pursue such measures as are best adapted to obtain the enjoyment of this important territorial right, the committee recommend that it be resolved by the Senate,

"That the President of the United States be and he hereby is requested to cause to be communicated to the Executive of the State of Kentucky, such part of the existing negotiation between the United States and Spain, relative to this subject, as he may deem advisable and consistent with the course of negotiations."

And the report was adopted.

Ordered, That the Secretary lay a copy of this proceeding before the PRESIDENT OF THE UNITED STATES.

FRIDAY, May 16.

A message from the House of Representatives informed the Senate, that the House have appointed a committee to join such committee as the Senate shall appoint, to report what business is necessary to be done before the close of the session, and when it will be proper to end the present session; and request the appointment of a committee on the part of the Senate. And they have passed a bill, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States," in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives for concurrence was read the first time and ordered to a second reading.

The Senate proceeded to the consideration of the resolution last sent from the House of Representatives, for the appointment of a joint committee; and

Resolved, That they do concur therein, and that Messrs. KING, ELLSWORTH, and HAWKINS, be the committee on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The petition of Moses Brown and others, merchants of the State of Massachusetts, praying that further time may be allowed than the law provides, to enable them to recover the drawback on

MAY, 1794.]

Proceedings.

[SENATE.]

certain foreign goods intended for exportation, for reasons stated in the petition.

Ordered, That this petition, together with the petition of Oliver & Thompson, and others, merchants of the State of Maryland, on a similar subject, be referred to Messrs. CABOT, ELLSWORTH, and HAWKINS, to consider and report thereon to the Senate.

MONDAY, May 19.

The VICE PRESIDENT laid before the Senate a Letter from P. Legaux, praying their patronage of his vineyard, established at a place called Springmill, in the State of Pennsylvania; which was read and laid on the table.

A message from the House of Representatives informed the Senate, that they have passed a bill entitled "An act laying additional duties on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making provision for the payment of the interest on the balances due to certain States upon the final settlement of the accounts between the United States and the individual States," was read the second time, and referred to Messrs. CABOT, JACKSON, MORRIS, POTTS, and ELLSWORTH, to consider and report thereon to the Senate.

Mr. JACKSON gave notice that he should to-morrow move for leave to introduce a bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States.

TUESDAY, May 20.

A message from the House of Representatives informed the Senate, that the House have passed a resolution for furnishing the Executives of the several States with a copy of the book marked A, deposited in the Treasury department by the Commissioners who settled the accounts between the individual States and the United States, in which they desire the concurrence of the Senate, was read and ordered to lie on the table.

Mr. KING reported, from the joint committee to whom was referred the consideration of what business is necessary to be done before the close of the session, and when it will be proper to end the present session; and the report was read.

Ordered, that this report lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act laying additional duties on goods, wares, and merchandise imported into the United States and on the tonnage of ships or vessels," was read the second time, and referred to Messrs. GUNN, ELLSWORTH, KING, LIVERMORE, and MORRIS, to consider and report thereon to the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

In the communications which I have made to Congress during the present session relative to foreign nations, I have omitted no opportunity of testifying my anxiety to preserve the United States in peace. It is peculiarly, therefore, my duty, at this time to lay before you the present state of certain hostile threats against the territories of Spain in our neighborhood.

The documents which accompany this message develop the measures which I have taken to suppress them, and the intelligence which has lately been received.

It will be seen from thence that the subject has not been neglected; that every power vested in the Executive on such occasions has been exerted; and that there was reason to believe that the enterprise projected against the Spanish dominions was relinquished.

But it appears to have been revived upon principles which set public order at defiance, and place the peace of the United States in the discretion of unauthorized individuals. The means already deposited in the different departments of Government are shown, by experience, not to be adequate to these high exigencies, although such of them as are lodged in the hands of the Executive shall continue to be used with promptness, energy, and decision, proportioned to the case. But I am impelled, by the position of our public affairs, to recommend that provision be made for a stronger and more vigorous opposition than can be given to such hostile movements under the laws as they now stand.

G. WASHINGTON.

UNITED STATES, May 20, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

Mr. CABOT, from the committee to whom was referred the bill, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States," reported an additional section; and the report was read.

Ordered, That it lie for consideration.

Agreeably to notice, Mr. JACKSON obtained permission to introduce a bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States; and the bill was accordingly read the first time, and ordered to a second reading.

WEDNESDAY, May 21.

The VICE PRESIDENT laid before the Senate a Letter from Secretary of the Department of State, with an abstract of the vexations and spoliation on the commerce of the United States. The Letter was read.

Ordered, That the Letter and abstract therein referred to lie for consideration.

Mr. CABOT, from the committee to whom was referred, on the 16th instant, the petition of Moses Brown and others, reported a bill for extending

SENATE.]

Proceedings.

[MAY, 1794.]

the benefit of a drawback and terms of credit in certain cases and for other purposes; which was read the first time, and ordered to a second reading.

The Senate proceeded to consider the resolution sent from the House of Representatives for concurrence, for furnishing the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the individual States and the United States; and

On motion to refer the resolution to a committee to consider and report thereon, it passed in the negative—yeas 9, nays 11, as follows:

YEAS.—Messrs. Brown, Foster, Hawkins, Martin, Monroe, Potts, Robinson, Ross, and Vining.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Gunn, Henry, Jackson, Izard, Livermore, Morris, and Rutherford.

On motion, it was agreed to postpone the further consideration of this resolution.

The bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be built or purchased a number of vessels, to be equipped as galleys in the service of the United States, was read the second time and referred to Messrs. JACKSON, RUTHERFORD, and CABOT, to consider and report thereon to the Senate.

Mr. GUNN, from the committee to whom was referred the bill, entitled "An act laying additional duties on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," reported amendments; which were read.

Ordered, That the consideration thereof be postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you, in confidence, sundry papers by which you will perceive the state of affairs between us and the Six Nations, and the probable cause to which it is owing; and also certain information, whereby it would appear that some encroachment was about to be made on our territory by an officer and party of British troops. Proceeding upon a supposition of the authenticity of this information, although of a private nature, I have caused the representation to be made to the British Minister, a copy of which accompanies this Message.

It cannot be necessary to comment upon the very serious nature of such an encroachment, nor to urge that this new state of things suggests the propriety of placing the United States in a posture of effectual preparation for an event which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us.

G. WASHINGTON.

UNITED STATES, May 21, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

A Message from the House of Representatives informed the Senate, that they have passed the following bills and resolve, in which they desire the concurrence of the Senate; the bill, entitled "An act to compensate Arthur St. Clair;" the bill,

entitled "An act to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States;" the bill, entitled "An act to alter the time for the next annual meeting of Congress;" and a resolve that Congress adjourn on the third day of June next.

The bill sent from the House of Representatives for concurrence, entitled "An act to compensate Arthur St. Clair," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to alter the time for the next annual meeting of Congress," was read the first time, and ordered to a second reading.

The resolve, sent from the House of Representatives for concurrence, that Congress adjourn on the third day of June next, was read, and ordered to lie on the table.

THURSDAY, May 22.

Ordered, That Messrs. ELLSWORTH, LIVERMORE, and MONROE, be a committee to report a bill to authorize a settlement of the accounts of Loan officers, for clerk hire and stationery.

Ordered, That the same committee be instructed to bring in a bill to provide for mitigating or remitting fines, penalties, and forfeitures, incurred under the revenue laws, in cases not now provided for.

That the same committee be instructed to bring in a bill further to extend the time for receiving on loan the Domestic Debt of the United States; and

That the same committee be also instructed to bring in a bill to continue in force the "Act for the relief of persons imprisoned for debt."

Ordered, that the committee on the Message of the PRESIDENT OF THE UNITED STATES, of the 19th of February last, respecting the judiciary, be enjoined to report.

The bill, sent from the House of Representatives for concurrence, entitled "An act to compensate Arthur St. Clair," was read the second time, and referred to Messrs. BROWN, GUNN, and VINING, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States," was read the second time, and referred to the committee last appointed, to consider and report thereon to the Senate.

The Senate proceeded to consider the amendments reported by the committee to the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;"

MAY, 1794.]

Proceedings.

[SENATE.]

which were adopted, and the bill was amended accordingly.

Ordered, That this bill pass to the third reading.

The VICE PRESIDENT laid before the Senate a Report of the Secretary for the Department of War, on twenty-three additional claims for compensation to invalid pensioners; which were read, and ordered to lie for consideration.

The bill for extending the benefit of a drawback and terms of credit in certain cases, and for other purposes, was read a second time; and, being amended,

Ordered, That this bill be engrossed for a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to alter the time for the next annual meeting of Congress," was read the second time.

Ordered, That this bill pass to the third reading.

The Senate resumed the consideration of the resolve sent from the House of Representatives for concurrence, that Congress adjourn on the 3d day of June next; and

Resolved, That they do concur therein.

The Senate resumed the consideration of the resolve sent from the House of Representatives for concurrence, "for furnishing the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the individual States and the United States."

On motion, it was agreed to amend the resolve, by inserting "at their own expense," after the words "several States."

On motion to concur in the resolution as amended, it passed in the negative—yeas 5, nays 15, as follows:

YEAS.—Messrs. Hawkins, Martin, Monroe, Ross, and Vining.

NAYS.—Messrs. Bradford, Brown, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Jackson, Izard, Livermore, Morris, Potts, Robinson, and Rutherford.

FRIDAY, May 23.

Mr. ELLSWORTH, from the committee appointed yesterday for the purpose, reported the three following bills: A bill to continue in force the act for the relief of persons imprisoned for debt; a bill further extending the time for receiving on loan the Domestic Debt of the United States; and a bill authorizing a settlement of certain expenses of the Commissioners of Loans; which bills were severally read the first time, and ordered to a second reading.

The engrossed bill for extending the benefit of a drawback and terms of credit in certain cases, and for other purposes, was read the third time, and ordered to lie for further consideration.

Mr. JACKSON, from the committee to whom was referred the bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be built or purchased a number of vessels, to be equipped as galleys in the service of the

United States, reported amendments, which were read.

The bill sent from the House of Representatives for concurrence, entitled "An act to alter the time for the next annual meeting of Congress," was read the third time, and passed.

The amendments reported on the bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States, were resumed.

On motion to adopt the first section, amended as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized during the recess of the present Congress, if the same shall appear to him necessary for the protection of the United States, to cause a number of vessels to be built or purchased, and to be fitted out, manned, armed, and equipped, as galleys in the service of the United States; the officers and men to be on the same pay, and to receive the same subsistence, as officers of the same rank and men are entitled to in the Navy of the United States:"

It passed in the affirmative—yeas 10, nays 9, as follows:

YEAS.—Messrs. Cabot, Frelinghuysen, Gunn, Henry, Jackson, Izard, Monroe, Morris, Potts and Rutherford.

NAYS.—Messrs. Bradford, Brown, Ellsworth, Foster, Hawkins, Livermore, Martin, Robinson, and Ross.

On motion, to adopt the following additional clause to the bill:

"And be it further enacted. That there be appropriated, for the purpose aforesaid, the sum of one hundred and fifty thousand dollars, to be paid out of the proceeds of any revenues of the United States which now are, or hereafter, during the present session, shall be, provided, not being otherwise appropriated. And that the President of the United States be authorized to take on loan of the Bank of the United States, or of any other body politic or corporate, person or persons, the said sum of one hundred and fifty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds, appropriated as aforesaid, according to such contract or contracts which shall be made concerning the same:"

It passed in the affirmative—yeas 11, nays 8, as follows:

YEAS.—Messrs. Cabot, Frelinghuysen, Gunn, Henry, Jackson, Izard, Monroe, Morris, Potts, Robinson, and Rutherford.

NAYS.—Messrs. Bradford, Brown, Ellsworth, Foster, Hawkins, Livermore, Martin, and Ross.

And, after agreeing to further amendments, the bill was ordered to be engrossed for a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you the copy of a Letter from the Minister Plenipotentiary of his Britannic Majesty, in answer to a Letter from the Secretary of State, communicated to Congress yesterday; and also the copy of a Letter

SENATE.]

Proceedings.

[MAY, 1794.]

from the Secretary, which is referred to in the above mentioned Letter of the Minister.

G. WASHINGTON.

UNITED STATES, May 23, 1794.

The Message and papers were read.

Ordered, That the Message and papers therein referred to, together with the communications referred to in the Message of the PRESIDENT of the UNITED STATES, of the 21st instant, be printed for the use of the Senate.

The VICE PRESIDENT laid before the Senate a Letter, signed Arthur St Clair, respecting the loss of certain horses in the public service.

Ordered, That this Letter be referred to the committee to whom was yesterday referred the bill, entitled "An act to compensate Arthur St. Clair."

On request,

Ordered, That the VICE PRESIDENT be excused from attendance in Senate, after Friday next.

The bill sent from the House of Representatives for concurrence, entitled "An act laying additional duties on goods, wares, and merchandize, imported into the United States, and on the tonnage of ships or vessels," was read the third time.

A motion was made to restore the fourth section, amended as follows:

"And be it further enacted, That, upon all ships or vessels of the United States, there shall be levied and paid, after the last day of June next, a duty of six cents per ton, in addition to the duty now chargeable by law; and upon all ships or vessels, belonging wholly or in part to the subjects or citizens of any foreign Power, which, after the said last day of June next, shall be entered in the United States, from any foreign port or place, there shall be levied and paid a duty of 25 cents per ton, in addition to the duty now chargeable by law."

And, on motion, it was agreed, that the further consideration of this bill, at this time, be postponed.

SATURDAY, May 24.

The bill further extending the time for receiving on loan the Domestic Debt of the United States, was read the second time; and, by unanimous consent, the rule was dispensed with, and the bill read the third time and passed.

The bill authorizing a settlement of certain expenses of the Commissioners of Loans, was read the second time, and ordered to be engrossed for a third reading.

The bill to continue in force "The act for the relief of persons imprisoned for debt," was read the second time; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill entitled "An act for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina;" and a bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," in which several bills they desire the concurrence of the Senate.

The bills last mentioned were severally read, and ordered to a second reading.

On motion, that the engrossed bill to authorize the PRESIDENT of the UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be built or purchased, a number of vessels, to be equipped as galleys, in the service of the United States, be read the third time,

A motion was made to postpone the third reading of the bill at this time, for the purpose of taking into consideration the following motion:

"That a committee of five be appointed to consider and report what other measures are necessary to be adopted, during the present session, for the defence of the United States, together with a bill or bills for carrying the same into effect:"

Which passed in the negative. Whereupon, the bill was read the third time, and passed.

Ordered, That Messrs. POTTS, ELLSWORTH, IZARD, MONROE, and CABOT, be a committee to consider and report what other measures are necessary to be adopted during the present session, for the defence of the United States, together with a bill or bills for carrying the same into effect.

Mr. CABOT, from the committee to whom was referred the petition of George Taylor and others, principal clerks in the several Departments, reported a bill, allowing an additional compensation to the principal clerks in the Department of State, and the Treasury and War Departments, for the year 1794; which bill was read, and ordered to a second reading.

The third reading of the bill for extending the benefit of a drawback and terms of credit in certain cases, and for other purposes, was resumed.

Resolved, That this bill pass; and that the title thereof be "An act for extending the benefit of a drawback and terms of credit in certain cases, and for other purposes."

MONDAY, May 26.

The bill sent from the House of Representatives for concurrence, entitled, "An act for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina," was read the second time, and referred to Messrs. RUTHERFORD, HAWKINS, and BROWN, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act laying certain duties upon snuff and refined sugar," in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act laying certain duties upon snuff and refined sugar," was read the first time, and ordered to a second reading.

The engrossed bill authorizing a settlement of certain expenses of the Commissioners of Loans, was read the third time.

Resolved, That this bill pass, and that the title thereof be "An act authorizing a settlement of certain expenses of the Commissioners of Loans."

May, 1794.]

Proceedings.

[SENATE.]

The bill allowing an additional compensation to the principal clerks in the Department of State, and the Treasury and War Departments, for the year 1794, was read the second time, and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

Mr. POTTS, from the committee appointed for the purpose, reported a bill to increase the military force of the United States, and to encourage the recruiting service; which was read, and ordered to a second reading.

The Senate resumed the consideration of the amendment reported by the committee to whom was referred the bill, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States."

On motion that the amendment be adopted, it passed in the negative—yeas 9, nays 11, as follows:

YEAS.—Messrs. Brown, Gunn, Jackson, Monroe, Morris, Potts, Robinson, Ross, and Rutherford.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, Henry, Izard, King, Livermore, Martin, and Vining.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The Commissioners of his Catholic Majesty having communicated to the Secretary of State the form of a certificate, without which the vessels of the United States cannot be admitted into the ports of Spain, I think it proper to lay it before Congress.

G. WASHINGTON.

UNITED STATES, May 26, 1794.

TUESDAY, May 27.

Mr. ELLSWORTH, from the committee to whom was referred the Message of the PRESIDENT OF THE UNITED STATES, of the 19th of February last, with a representation from the Justices of the Supreme Court, reported that the further consideration thereof be postponed to the next session of Congress; and the report was adopted.

The Message yesterday received from the PRESIDENT OF THE UNITED STATES, transmitting the form of a certificate, without which the vessels of the United States cannot be admitted into the ports of Spain, together with the form of the certificate therein referred to, were read, and ordered to lie for consideration.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States."

On motion to recommit the bill, with instructions to the committee to report an amendment for carrying into effect an assumption of the Domestic Debts of the creditor States, to the amount of the balances reported to be due to them, it passed in the negative—yeas 5, nays 13, as follows:

YEAS.—Messrs. Jackson, Potts, Robinson, Ross, and Rutherford.

NAYS.—Messrs. Bradford, Brown, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Henry, Izard, King, Livermore, Martin, and Morris.

On motion to strike out the first section of the bill, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That interest upon the balances reported to be due to certain States, by the Commissioners for settling accounts between the United States and individual States, be allowed from the last day of December, one thousand seven hundred and eighty-nine, and to be computed to the last day of December, one thousand seven hundred and ninety-four, at the rate of four per centum per annum; and that the amount of such interest be placed to the credit of the State to which the same shall be found due upon the books of the Treasury of the United States, and shall bear an interest of three per centum per annum, from and after the said last day of December, one thousand seven hundred and ninety-four."

It passed in the negative, yeas 9, nays 11—as follows:

YEAS.—Messrs. Brown, Gunn, Hawkins, Jackson, Martin, Potts, Robinson, Ross, and Rutherford.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Livermore, Morris, and Vining.

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," was read the second time, and referred to Messrs. GUNN, ELLSWORTH, POTTS, CABOT, and KING, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto;'" in which they desire the concurrence of the Senate.

The bill was read, and ordered to a second reading.

The VICE PRESIDENT laid before the Senate a memorial signed Thomas Leiper and Gavin Hamilton, "manufacturers of snuff in the city of Philadelphia, on behalf of themselves and their brethren throughout the Union," remonstrating against the imposition of an excise upon the said article; which was read.

Ordered, That this memorial lie on the table.

The bill to increase the military force of the United States, and to encourage the recruiting service, was read the second time, and considered.

Ordered, That the further consideration thereof be postponed until to-morrow.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act to compensate Arthur St. Clair," reported amendments, which

SENATE.]

Proceedings.

[MAY, 1794.]

were read, and in part agreed to; and the bill was amended accordingly.

Ordered, That this bill pass to the third reading.

WEDNESDAY, May 28.

The bill sent from the House of Representatives for concurrence, entitled "An act to compensate Arthur St. Clair," was read the third time.

On motion, it was agreed to reconsider the amendments made to this bill in the second reading.

Resolved, That this bill pass without amendment.

The bill from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota,'" was read the second time, and referred to Messrs. JACKSON, RUTHERFURN, and BROWN, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to increase the military force of the United States, and to encourage the recruiting service.

On motion to expunge the first section of the bill, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States shall be, and he is hereby, authorized, during the next recess of Congress, to raise and equip such additional military force as circumstances shall, in his judgment, render necessary, not exceeding ten thousand non-commissioned officers, musicians, and privates, to serve for three years, unless sooner discharged, together with a proper proportion of commissioned officers, of all the grades, respectively, according to the present Military Establishment of the United States."

It passed in the negative—yeas 8, nays 12, as follows:

YEAS.—Messrs. Brown, Foster, Hawkins, Jackson, Livermore, Martin, Robinson, and Ross.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Gunn, Henry, Izard, King, Morris, Potts, Rutherford, and Vining.

Ordered, That this bill be engrossed for a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States," was read the third time.

On motion to postpone the further consideration thereof to the next session of Congress, it passed in the negative—yeas 8, nays 12, as follows:

YEAS.—Messrs. Brown, Gunn, Hawkins, Jackson, Martin, Potts, Robinson, and Ross.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Livermore, Morris, Rutherford, and Vining.

On motion to strike out the first section of the bill, it passed in the negative.

On motion to adopt the following as an additional section to the bill, to wit:

"And be it further enacted, That, when the Legislature of any creditor State shall have passed an act declaring that the creditors of such State, or so many of them as may apply, shall be allowed a proportion of the debt due to such State, in lieu of their respective demands, then the Commissioner of Loans of such State shall be authorized to receive such of the notes or certificates of the said State as may be designated by an act of the Legislature thereof, and on the terms therein prescribed, and to give certificates therefor in the manner directed in such act; and the said certificates shall be transferrable, and the interest which shall become due shall be payable quarter yearly, in the same manner as on the other certificates of the United States: *Provided*, That the Commissioners of Loans shall not issue certificates to a greater amount than the sums due to the States in which they respectively act, nor for a greater amount of interest than shall be the proportion of such State, and that no interest shall be paid before the last day of March, one thousand seven hundred and ninety-five."

It passed in the negative.

The bill sent from the House of Representatives for concurrence, entitled "An act laying certain duties upon snuff and refined sugar," was read the second time, and referred to Messrs. ELLSWORTH, CABOT, and IZARD, to consider and report thereon to the Senate.

THURSDAY, May 29.

Mr. GUNN, from the committee to whom was referred the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," reported amendments, which were adopted, and the bill was amended accordingly.

Ordered, That this bill pass to a third reading.

The VICE PRESIDENT laid before the Senate the Report of the Secretary for the Department of War, on four additional claims for compensation to invalid pensioners, which was read.

Ordered, That the report lie for consideration.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act laying duties upon earriages for the conveyance of persons;" a bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers;" and a bill entitled "An act providing for the payment of the second instalment, due on a Loan made of the Bank of the United States;" in which several bills they desire the concurrence of the Senate.

The three last bills brought from the House of Representatives for concurrence were severally read, and ordered to a second reading.

The engrossed bill to increase the military force of the United States, and to encourage the recruiting service, was read the third time.

On motion to add the following, as an additional section to the bill:

"And be it further enacted, That, in case a war shall break out between the United States and any European Power, at any time within two years, all non-commissioned officers, musicians, and privates, then in service under this act, or any act for raising troops heretofore passed, who shall be willing to re-enlist to serve in the

MAY, 1794.]

Proceedings.

[SENATE.]

troops of the United States to the end of such war, shall be permitted so to re-enlist, and such re-enlistment shall thereafter entitle them to receive an addition to their pay of one dollar and fifty cents per month."

It passed in the negative.

On motion to restore the third section of the bill, stricken out in the second reading, to wit:

"And be it further enacted, That, from and after the first day of July next, there shall be allowed to each non-commissioned officer, musician, and private, who shall then or afterwards be in service, on the present Military Establishment, or under this act, the additional pay of one dollar per month.

It passed in the negative—yeas 7, nays 13, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Henry, Izard, Potts, and Vining.

NAYS.—Messrs. Brown, Foster, Frelinghuysen, Gunn, Hawkins, Jackson, King, Livermore, Martin, Morris, Robinson, Ross, and Rutherford.

On motion, that this bill pass, it passed in the affirmative—yeas 12, nays 8, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Gunn, Henry, Izard, King, Morris, Potts, Rutherford, and Vining.

NAYS.—Messrs. Brown, Foster, Hawkins, Jackson, Livermore, Martin, Robinson, and Ross.

So it was *Resolved*, That this bill pass, and that the title thereof be, "An act to increase the military force of the United States, and to encourage the recruiting service."

FRIDAY, May 30.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," was read the third time, and further amended, by striking out the words from the end of the 12th section, "in case of sickness, absence, or for other sufficient causes," and inserting in lieu thereof, these words: "in cases of occasional and necessary absence, or of sickness, and not otherwise."

Resolved, That this bill pass with amendments.

A message from the House, informed the Senate, that they have passed a bill, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes," in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives for concurrence was read.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the payment of the second instalment due on a Loan made of the Bank of the United States," was read the second time; and the rule being dispensed with, the bill was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act for the more effectual protection of the Southwestern frontier settlers," was read the second time.

On motion, it was agreed to amend the bill, so

as that the number of the militia to be called out shall not exceed five thousand.

Ordered, That this bill be referred to Messrs. KING, JACKSON, RUTHERFURD, POTTS, and ELLSWORTH, to consider and report thereon to the Senate.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill sent from the House of Representatives for concurrence, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes," be now read the second time; and,

On motion, to agree to the first section of the bill, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he heroby is, authorized and empowered, whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same whenever he shall think proper. And the President is hereby fully authorized to give all such orders to the officers of the United States, as may be necessary to carry the same into full effect: *Provided*, The authority aforesaid shall not be exercised while the Congress of the United States shall be in session. And any embargo which may be laid by the President as aforesaid shall cease and determine in fifteen days from the actual meeting of Congress next after laying the same."

It passed in the affirmative—yeas 14, nays 5, as follows:

YEAS.—Messrs. Bradford, Brown, Foster, Frelinghuysen, Hawkins, Henry, Jackson, Izard, King, Martin, Potts, Rutherford, and Vining.

NAYS.—Messrs. Cabot, Ellsworth, Livermore, Morris, and Ross.

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties upon carriages for the conveyance of persons," was read the second time.

Ordered, That this bill be referred to the committee to whom is referred the bill, entitled "An act laying certain duties upon snuff and refined sugar," to consider and report thereon to the Senate.

SATURDAY, May 31.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides, and RALPH IZARD was duly elected.

Mr. KING, from the committee to whom was referred the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," reported, that the bill do not pass; and, after debate, the further consideration of the report was postponed until Monday next.

A message from the House of Representatives informed the Senate that the House have passed the following bills: a bill, entitled, "An act laying

SENATE.]

Proceedings.

[JUNE, 1794.]

duties on property sold at auction;" a bill, entitled "An act providing for the payment of a certain sum of money due to the French Republic;" a bill, entitled "An act laying duties on licenses for selling wines, and foreign distilled spirituous liquors, by retail;" and a bill, entitled "An act for the relief of John Robbo;" in which several bills they desire the concurrence of the Senate.

The four bills last brought from the House of Representatives for concurrence, were severally read, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes," was read the third time, and passed.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States," reported that the bill pass without amendment, and the report was adopted.

On motion, it was agreed, by unanimous consent, that the rule be dispensed with, and that this bill be now read the third time, and passed.

Mr. ELLSWORTH, from the committee to whom was referred the bill, entitled "An act laying certain duties upon snuff and refined sugar," reported amendments.

Ordered, That the amendments be printed for the use of the Senate, and that the further consideration of the bill be postponed until Monday next.

A message from the House of Representatives informed the Senate, that the House agree to some, and disagree to other amendments of the Senate, to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," ask a conference on the disagreeing votes thereon, and have appointed managers at the same on their part.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to sundry amendments to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," and asking a conference on the disagreeing votes thereon.

Resolved, That the Senate *insist* on their amendments to the said bill, agree to the proposed conference, and that Messrs. ELLSWORTH, KING, and CABOT, be the managers at the same on the part of the Senate.

MONDAY, June 2.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend the term of credit for teas imported in the ship Argonaut, and to permit the export of goods saved out of the wreck of the Snow Frelove," in which they desire the concurrence of the Senate.

With this message came also a vote of the House of Representatives, dated June the 2d, 1794, as follows:

"The SPEAKER laid before the House a Letter from Francis Joachim Van Aken, styling himself Assistant Judge, addressed to the Congress of the United States, and dated Orebro, in Sweden, the 1st of January, 1794, stating the particulars of his discovery of an Art, described in the Swedish language, for extinguishing fires and preventing conflagrations, whether in war or peace, on board vessels, or in houses on fire; which was read, and ordered to be sent to the Senate for their information."

The bill last mentioned to have been brought from the House of Representatives for concurrence, was read, and ordered to a second reading.

The vote of the House of Representatives last recited was read.

Ordered, That the vote and letter therein referred to lie on the table.

A motion was made that it be

Resolved, The House of Representatives concurring herewith, that the resolution of the two Houses, passed the 22d day of May, authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on Tuesday, the 3d day of June, be, and the same is hereby, repealed; and that the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to adjourn their respective Houses on — day of June instant."

Ordered, That the consideration of this motion be postponed until to-morrow.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, entitled "An act laying certain duties upon snuff and refined sugar."

On motion, to expunge the two first sections of the bill, as follows:

"SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, from and after the thirtieth day of September next, there be levied, collected, and paid upon snuff, which after that day shall be manufactured for sale within the United States, at any manufactory, for every pound of snuff, eight cents.

"SEC. 2. *And be it further enacted*, That, from and after the said thirtieth day of September next, there be levied, collected, and paid, upon all sugar which shall be refined within the United States, a duty of two cents per pound."

It passed in the negative—yeas 7, nays 13, as follows:

YEAS.—Messrs. Brown, Burr, Jackson, Livermore, Morris, Robinson, and Ross.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Henry, King, Martin, Potts, Rutherford, and Vining.

The amendments reported by the committee were severally adopted, and the bill was further amended.

A motion was made

"That the consideration of this bill be postponed, and a committee appointed to bring in a bill laying certain duties upon the utensils, engines, and machines used in the manufactories of snuff, and the refinement of sugar, as a substitute for this bill."

And it passed in the negative.

Ordered, That this bill pass to the third reading.

JUNE, 1794.]

Proceedings.

[SENATE.]

Mr. ELLSWORTH, from the managers at the conference on the disagreeing votes of the two Houses, on the amendments of the Senate to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," reported—

"That the Senate recede from their amendment to the 12th section;

"That the House of Representatives agree to the amendment proposed by the Senate to the 5th section;

"That the House of Representatives agree to the amendment proposed by the Senate to the 13th section, with an amendment, by striking out 'supervisors,' and that the Senate agree to such amendment of their amendment;

"That the Senate recede from their amendment to strike out the 16th section, and that both Houses agree to amend the said section, by striking out 'weekly,' and inserting 'for any term of time less than one year, and not less than one month';

"That the House of Representatives agree to the amendment proposed by the Senate to the 17th section, with an amendment, by inserting after 'left at his dwelling,' by the collector, and that the Senate agree to such amendment of their amendment;

"That the House of Representatives agree to the amendment proposed by the Senate to insert, after the 17th section of the bill, two additional sections;

"And that both Houses agree to alter the 9th section, by inserting after 'States,' 'and of the Territory of the United States Northwest of the river Ohio, and of the Territory of the United States South of the river Ohio.'"

And the report was adopted.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I send you certain communications, recently received from Georgia, which materially change the prospect of affairs in that quarter, and seem to render a war with the Creek nations more probable than it has been at any antecedent period. While the attention of Congress will be directed to the consideration of measures suited to the exigency, it cannot escape their observation that this intelligence brings a fresh proof of the insufficiency of the existing provisions of the laws, towards the effectual cultivation and preservation of peace with our Indian neighbors.

G. WASHINGTON.

UNITED STATES, June 2, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

Mr. ELLSWORTH, from the committee to whom was referred the bill, entitled "An act laying duties upon carriages for the conveyance of persons," reported that the bill pass without amendment.

Ordered, That the report lie for consideration.

TUESDAY, June 3.

A message from the House of Representatives informed the Senate, that the House have passed the bill, sent from the Senate for concurrence, entitled "An act in addition to the act for the punishment of certain crimes against the United

States," with amendments, in which they desire the concurrence of the Senate.

With the message came the following resolution of the House of Representatives for concurrence:

"*Resolved*, That the resolution of the 21st ultimo, authorizing the President of the Senate and Speaker of the House of Representatives to close the present session, by adjourning their respective Houses on this day, be repealed; and that, instead thereof, they be authorized to adjourn their respective Houses on Thursday, the 5th instant, to meet on the day by law appointed."

The resolution being read, on motion to strike out "Thursday the 5th," and insert "Friday the 6th," it passed in the negative.

Resolved, That the Senate concur in this resolution.

The bill sent from the House of Representatives for concurrence, entitled "An act laying certain duties upon snuff and refined sugar," was read the third time.

On motion to substitute six in lieu of eight cents, it passed in the negative.

On motion to add the following to the 14th section of the bill:

"Provided this restriction shall not extend to prohibit the importation of sugar from the province of Canada in vessels of less burden; anything to the contrary notwithstanding."

It passed in the negative.

On motion, it was agreed to amend the bill, by annexing the following proviso to the 14th section:

"*Provided*, That no drawback shall be allowed on the exportation of either of the said articles in any instance where the same shall amount to less than twelve dollars."

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate, that the House agree to all the modifications of the amendments to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," as proposed by the committee of conference, except the amendment to the twelfth section, which the House of Representatives have agreed to in their first proceeding on the amendments of the Senate.

The report of the committee to whom was referred the bill, entitled "An act for the more effectual protection of the Southwestern frontiers," was considered.

Ordered, That this bill be recommitted, and that the Message of the PRESIDENT OF THE UNITED STATES of the 2d instant be also referred to the same committee, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time.

On motion, to insert the following in the first section of the bill, to wit: after "coffee per pound," "on salt per bushel, three cents," it passed in the negative.

SENATE.]

Proceedings.

[JUNE, 1794.]

On motion, it was agreed to strike out the following words, after "shoes and slippers for children," "on coal per bushel, one and a half cents."

On motion, it was agreed to amend the bill, by inserting, after "coffee per pound," these words: "on clayed or lump sugar, one cent per pound."

On motion to restore the fourth section of the bill, amended as follows:

'And be it further enacted, That, upon all ships or vessels of the United States, there shall be levied and paid, after the last day of June next, a duty of six cents per ton, in addition to the duty now chargeable by law; and upon all ships or vessels belonging wholly or in part to the subjects or citizens of any foreign Power, which after the said last day of June next shall be entered in the United States from any foreign port or place, there shall be levied and paid a duty of twenty-five cents per ton, in addition to the duty now chargeable by law."

It passed in the negative.

On motion, it was agreed to expunge these words from the first section, "except window glass."

Resolved, That this bill pass with amendments.

The report of the committee to whom was referred the bill, entitled "An act laying duties upon carriages for the conveyance of persons," was considered and adopted.

Ordered, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors, by retail," was read the second time, and referred to Messrs. CABOT, ELLSWORTH, and KING, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties on property sold at auction," was read the second time, and referred to the committee last named, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of John Robbe," was read the second time, and referred to Messrs. LIVERMORE, BROWN, and HAWKINS, to consider and report thereon to the Senate.

Mr. LIVERMORE, from the said committee, reported that the bill last mentioned pass without amendment; and on motion, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the payment of a certain sum of money due to the French Republic," was read the second time, and referred to Messrs. KING, GUNN, and ELLSWORTH, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to extend the term of credit for teas imported in the ship Argonaut, and to permit the export of goods saved out of the wreck of the Snow Freelove," was read the second time; and, by unanimous consent, the

rule was dispensed with, and the bill was read the third time and passed.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act in addition to the act for the punishment of certain crimes against the United States."

Resolved, That they concur in the amendments to this bill.

WEDNESDAY, June 4.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties upon carriages for the conveyance of persons" was read the third time.

On motion to strike out, from the first section, all that follows the word "coaches," and, in lieu thereof, insert "and other four-wheeled carriages which hang or rest upon steel or iron springs, six dollars," it passed in the negative.

On motion to postpone the further consideration of the bill until the next session of Congress, it passed in the negative.

On the question Shall this bill pass? it passed in the affirmative—yeas 12, nays 8, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Gunn, Hawkins, King, Livermore, Martin, Morris, Ross, and Vining.

NAYS.—Messrs. Brown, Burr, Frelinghuysen, Henry, Jackson, Potts, Robinson, and Rutherford.

A message from the House of Representatives informed the Senate, that the House have passed a bill entitled "An act supplementary to the act entitled 'An act to promote the progress of Useful Arts;'" a bill entitled "An act concerning Invalids;" a bill entitled "An act to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia;" and a bill entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place for holding the Judicial Courts, and altering the time and place of holding certain Courts," in which several bills they desire the concurrence of the Senate. The House agree to some and disagree to other amendments of the Senate to the bill entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

Mr. CABOT, from the committee to whom was referred the bill entitled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail," reported amendments, which were adopted; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

A message from the House of Representatives informed the Senate, that the House have passed "a resolution that a joint committee of both Houses be appointed to wait on the PRESIDENT OF THE UNITED STATES and request that he would recommend to the people of the United States a day of public humiliation and prayer, to be observed, by supplicating Almighty God for the safety, peace, and welfare of these States;" they

JUNE, 1794.]

Proceedings.

[SENATE.]

have appointed a committee on the part of the House, and desire the concurrence of the Senate, and the appointment of a committee on their part.

Mr. CABOT, from the committee to whom was referred the bill entitled "An act laying duties on property sold at auction," reported amendments, which were adopted.

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia," was read; and, by unanimous consent, the rule was dispensed with, and the bill was read the second time.

Ordered, That this bill be referred to Messrs. VINING, JACKSON, and KING, to consider and report thereon to the Senate.

Mr. VINING, from the committee on the bill last named, reported amendments, which were read and adopted; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to sundry of their amendments to the bill entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

On motion that the Senate recede from their amendments disagreed to, it passed in the negative.

Resolved, That the Senate insist on their said amendments, and ask a conference on the disagreeing votes of the two Houses thereon; and that Messrs. GUNN, KING, and ELLSWORTH, be managers at the same on the part of the Senate.

A message from the House of Representatives informed the Senate that the House agree to the proposed conference on the disagreeing votes of the two Houses on the bill entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," and have appointed managers at the same on their part.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act to promote the progress of Useful Arts'" was read; and, by unanimous consent, the rule was dispensed with, and the bill was read the second time.

Ordered, That this bill be referred to Messrs. POTTS, BURR, and CABOT, to consider and report thereon to the Senate.

Mr. POTTS, from the committee on the bill last mentioned, reported amendments, which were read and adopted, and the bill ordered to a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before Congress the copy of a Letter, with its enclosures, from the Secretary of State to the Minister Plenipotentiary of his Britannic Majesty, it being an answer to a Letter from the Minister to him, bearing date the 22d ultimo, and already communicated.

G. WASHINGTON.

UNITED STATES, June 4, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts" was read; and, by unanimous consent, the rule was dispensed with, and the bill was read the second time.

Ordered, That this bill be referred to Messrs. VINING, MARTIN, and BROWN, to consider and report thereon to the Senate.

Mr. KING, from the committee to whom was referred the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," reported amendments, which were read.

Ordered, That the amendments be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House have passed the bill sent from the Senate for concurrence, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, to cause to be built a number of vessels, to be equipped as galleys, in the service of the United States," with amendments, in which they desire the concurrence of the Senate.

Mr. JACKSON, from the committee to whom was referred the bill, entitled "An act to amend the act entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota,'" reported amendments, which were read, and ordered to lie for consideration.

Ordered, That the Secretary of the Department of War do lay before the Senate a statement of the number of non-commissioned officers and privates now actually in the service of the United States upon the Military Establishment.

The bill sent from the House of Representatives for concurrence, entitled "An act concerning Invalids" was read, and ordered to a second reading.

THURSDAY, June 5.

The PRESIDENT laid before the Senate a Letter from the Secretary of the Department of War, accompanying a statement of the troops of the United States, according to the last returns; which was read, and ordered to lie on the table.

Mr. MARTIN, from the committee to whom was referred the bill entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place for holding certain Courts," reported amendments, which were adopted.

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate, that the House have passed the bill sent from the Senate for concurrence, entitled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," with an amendment, in which they desire the concur-

rence of the Senate; and that they have passed a bill, entitled "An act for the relief of Nicholas Reib," in which they desire the concurrence of the Senate.

The report of the committee on the bill entitled "An act to amend the act entitled 'An act to enable the officers and soldiers of the Virginia line on Continental Establishment to obtain titles to certain lands lying Northwest of the River Ohio, between the Little Miami and Sciota,'" was considered and adopted.

Ordered, That the bill be printed as it is reported to be amended.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States."

Resolved, That the Senate concur in the said amendment.

A message from the House of Representatives informed the Senate, that they have passed "a resolution directing the Secretary of War to make out and return to the District Judges certain lists in the cases of Invalid Pensioners;" in which they desire the concurrence of the Senate.

Resolved, That the resolution of the 3d instant, authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session by adjourning their respective Houses on this day, be rescinded; and that, instead thereof, they be authorized to adjourn their respective Houses on Monday, the 9th instant, to meet at the day by law appointed.

The President laid before the Senate a Letter from the Secretary for the Department of War, submitting further information relative to the recent events upon the Southwestern frontiers.

The Letter and communication therein referred to were read and ordered to lie for consideration.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill entitled "An act for the more effectual protection of the Southwestern frontier settlers."

On motion to adopt the report of the committee, so far as that the three first sections of the bill, as it came from the House of Representatives, be struck out, to wit:

"SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized to call out, from time to time, as occasion may require, any number of militia belonging to the State of Georgia, South Carolina, North Carolina, Virginia, or the Territory South of the river Ohio, not exceeding in the whole ten thousand, as may at any time be, by him, thought necessary to carry on offensive operations against the Creek and Cherokee Nations or Tribes of Indians: *Provided*, That the militia to be called out to be not continued in service for a longer term than six months at any one time.

"SEC. 2. *And be it further enacted*, That the President of the United States be authorized to establish such military posts as he may deem necessary for the

permanent security of the Southwestern frontier settlers; and that the posts so to be established shall be guarded by troops from the line of the present Military Establishment, or by militia from the States and Territory aforesaid, as the President may judge most expedient; and between every two of the said posts there shall be kept up a constant patrol of mounted rangers.

"SEC. 3. *And be it further enacted*, That the militia to be employed by virtue of this act shall, while in service, be entitled to receive the same rations, pay, and clothing, or money in lieu thereof, as the troops now in the service of the United States are entitled to."

It passed in the affirmative—yeas 16, nays 3, as follows:

YEAS.—Messrs. Bradford, Brown, Burr, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Henry, King, Livermore, Morris, Potts, Ross, Rutherford, and Vining.

NAYS.—Messrs. Gunn, Jackson, and Martin.

On motion that the first section of the bill pass as reported by the committee, and agreed to be amended in Senate, to wit:

"SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States shall be, and he hereby is, authorized to raise, for three years, unless sooner discharged, within the States of Georgia, South Carolina, North Carolina, the Territory South of the Ohio, and Virginia, an additional regiment of infantry, consisting of one thousand one hundred and forty non-commissioned officers and privates, and solely to appoint the commissioned officers thereto, and organize the same according to the present establishment: *Provided*, That if the President of the United States shall be of opinion that any part of the legion now in service, whether officers or privates, can, without detriment to the public service, be transferred and constitute a part of the regiment herein provided, he be authorized to make such transfer."

It passed in the affirmative—yeas 13, nays 4, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Jackson, King, Livermore, Morris, Potts, and Rutherford.

NAYS.—Messrs. Brown, Burr, Martin, and Ross.

On motion, the blank in the second section reported by the committee was filled with "twenty," and the section adopted as follows:

"SEC. 2. *And be it further enacted*, That the non-commissioned officers, privates, and musicians of the said regiment shall receive as a bounty after their enlistment the sum of twenty dollars, and that they, together with the commissioned officers, shall receive the same pay and allowances, in all respects, and be governed by the same Rules and Articles of War, as the other troops of the United States."

On motion to agree to the report of the committee, of a section as follows:

"SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to establish such military posts without the jurisdiction of any individual State or the Territory aforesaid as he may deem necessary for the permanent security of the Southwestern frontiers, and that the said posts shall be guarded by troops on the establishment or by the militia."

It passed in the negative.

JUNE, 1794.]

Proceedings.

[SENATE.]

On motion, the Senate agreed to adopt the report of the committee of a fourth and fifth section to the bill, as follows:

"Sec. 4. *And be it further enacted*, That, whenever the United States shall be invaded, or in imminent danger of invasion from any Nation or Tribe of Indians, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper.

"Sec. 5. *And be it further enacted*, That the militia to be employed by virtue of this act shall, while in service, be entitled to receive the same rations, pay, and clothing, or money in lieu thereof, as the troops now in the service of the United States are entitled to:"

On motion to expunge the 6th section reported by the committee, as follows:

"Sec. 6. *And be it further enacted*, That all persons who shall be assembled or embodied in arms upon any land belonging to Indians out of the ordinary jurisdiction of any State or the Territory aforesaid, for the purpose or with the intent of warring against the Indians, or of committing depredations on any Indian town, or person, or property, shall thereby become subject to the Rules and Articles of War, which are, or shall be established for the government of the troops of the United States."

It passed in the negative—yeas 7, nays 10, as follows:

YEAS.—Messrs. Burr, Frelinghuysen, Gunn, Henry, Jackson, Martin, and Ross.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, King, Livermore, Morris, Potts, and Vining.

On motion to agree to a 7th section, reported by the committee, as follows:

"SEC. 7. *And be it further enacted*, That if the President of the United States shall deem the same conducive to the good of the public service, he be, and hereby is, authorized to appoint a Major General to command the troops authorized by this act, who shall receive the same pay and allowances as are granted to a Major General by the act, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States:"

It passed in the negative.

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate, that they have passed a bill, entitled "An act to continue in force, for a limited time, the act supplementary to 'The act for the establishment and support of light-houses, beacons, buoys, and public piers,'" and a bill, entitled "An act to continue in force, for a limited time, the act, entitled 'An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States and for other purposes,'" in which several bills they desire the concurrence of the Senate. They insist on one and recede from other amendments disagreed to by the Senate on the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

Mr. GUNN reported, from the managers at the conference on the disagreeing votes of the two Houses, on the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels." Whereupon,

Resolved, That the Senate so far recede from their amendment to the first section, as that the duty on coal stand at one half cent per bushel.

They also recede from their last amendment to the first section, which was to strike out the words "except window glass."

FRIDAY, JUNE 6.

The bill sent from the House of Representatives for concurrence, entitled "An act for the more effectual protection of the Southwestern frontier settlers," was read the third time.

On motion it was agreed, by unanimous consent, to strike out these words from the second section reported by the committee, to wit: "after their enlistment."

On motion, it was agreed further to amend the second section reported by the committee, by inserting these words after "dollars:" "one-half to be paid immediately after enlistment, the other half at the end of three months thereafter."

On motion, it was agreed further to amend the bill by striking out the fourth section reported by the committee.

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate, that the House have resolved, that the Committee of Enrolments be authorized to amend the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels," by striking out the word "next," in the first section, and, in lieu thereof, inserting the word "instant;" also, by making a corresponding alteration throughout the bill, and by striking out, in the title thereof, the words "and on the tonnage of ship or vessels;" and that the engrossed bill be amended conformably thereto; and that the concurrence of the Senate be requested, by message, in this resolution.

The Senate proceeded to consider the resolution last mentioned, and,

Resolved, That they do concur therein.

Mr. RUTHERFORD, from the committee to whom was referred the bill, entitled "An act for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina," reported that the bill do not pass, and the report was adopted. Whereupon,

Resolved, That the Senate do not concur in this bill.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The bill sent from the House of Representatives for concurrence, entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts," was read a third time.

On motion, it was agreed to strike out the word "Delaware" from the second section, also the following words in the same section, "and in Delaware on the third Monday in June."

Also to add, at the end of the section,

"And that the Circuit Court of the District of Delaware hereafter commence on the second Monday in June, instead of the 27th day of April; any law to the contrary notwithstanding."

Also, to amend the 3d and 4th sections of the bill. *Resolved*, That this bill pass with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Nicholas Reib," was read; and, by unanimous consent, the rule was dispensed with, and the bill was read a second and third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, the act entitled 'An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes,'" was read.

On the question, Shall this bill be read a second time? it passed in the negative.

Ordered, That the Secretary acquaint the House of Representatives that the Senate do not concur in this bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force for a limited time, 'The act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers,'" was read; and, by unanimous consent, the rule was dispensed with, and it was agreed that the bill have at this time a second and third reading.

Resolved, That this bill pass.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to promote the progress of Useful Arts,'" was read the third time.

Resolved, That this bill pass with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota,'" was read the third time.

Resolved, That this bill pass with amendments.

Mr. KING, from the committee, to whom was referred the bill, entitled "An act providing for the payment of a certain sum of money due to the French Republic," reported that the bill do not pass.

Ordered, That the report lie for consideration, and that in the mean time it be printed for the use of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled, "An act concerning Invalids," was read the second time; and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass.

The resolution sent from the House of Representatives for concurrence, "directing the Secretary at War to make out and return to the Dis-

trict Judges certain lists in the cases of Invalid Pensioners," was read.

Resolved, That this resolution pass with amendments.

A message from the House of Representatives informed the Senate, that the House have passed the bill, entitled "An act to authorize the settlement of the claims of Griffith Jones, Samuel Prioleau, and John R. Livingston, against the United States," and a bill, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a health officer," in which several bills they desire the concurrence of the Senate.

The bill last mentioned was read, and the rule was, by unanimous consent, dispensed with, and the bill was read the second time, and referred to Messrs. POTTS, MORRIS, and GUNN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the claims of Griffith Jones, Samuel Prioleau, and John R. Livingston, against the United States," was read.

Resolved, That the further consideration of this bill be postponed until the next session of Congress.

The petition of George Nixon and others, clerks in the Auditor's office, praying an increase of compensation, was read, and referred to Messrs. ELLSWORTH, LIVERMORE, and MORRIS, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on property sold at auction," was read the third time.

Resolved, That this bill pass with amendments.

SATURDAY, June 7.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act making appropriations for certain purposes therein expressed;" in which they desire the concurrence of the Senate.

Mr. POTTS, from the committee to whom was referred the bill, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a health officer," reported amendments, which were read and adopted; and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass, with amendments.

A message from the House of Representatives informed the Senate, that the House disagree to the amendments of the Senate to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers."

The Senate proceeded to consider the resolution of the House of Representatives on the amendments to the said bill, and

Resolved, That they *insist* on their amendments

JUNE, 1794.]

Proceedings.

[SENATE.]

to said bill, and that a conference be desired on the disagreeing votes of the two Houses, and that Messrs. KING, ELLSWORTH, and PORTS, be managers at the same on the part of the Senate.

A message from the House of Representatives informed the Senate, that the House agree to the proposed conference, on the disagreeing votes of the two Houses, on the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," and have appointed managers at the same on their part.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for certain purposes therein expressed;" was read; and it was agreed to dispense with the rule, and that this bill be now read the second time.

Ordered, That this bill be referred to Messrs. CABOT, ROSS, and ELLSWORTH, to consider and report thereon to the Senate.

The report of the committee to whom was referred the bill, entitled "An act providing for the payment of a certain sum of money due to the French Republic," was read, as follows:

"It appears, by a statement of the account between the United States and France, reported to the House of Representatives, that, according to the view which is entertained at the Treasury of that account, the United States, on the first day of January, 1794, were in advance to France the sum of two millions one hundred eleven thousand and eighty-six livres tournois and five deniers (being \$383,162 11) beyond the instalments of principal and all interest which had accrued to that period.

"It further appears, upon inquiry at the Treasury, that, since that period, there has been advanced on account of our Debt to France the further sum of seventy-one thousand two hundred and forty-two dollars and eighty-one cents.

"And it appears, likewise, from the papers referred to the committee, that the President has promised further payment upon the same account of 1,500,000 livres on the third of September next, and of 1,000,000 of livres on the 5th of November next, making together 453,750 dollars, which payments, it is understood, may be anticipated at the Bank of the United States, in the proportions and at the epochs which are desired by the Minister of the French Republic.

"These sums embrace all the parts of principal which, by contract, would become payable to France during the year 1794; beyond which, were there no anticipations, nothing would be demandable during the present year but the interest on the balance of the entire Debt, which balance, on the first day of January, 1794, is computed at the Treasury at \$2,611,587 88; whence it results that the payments which have been made, and engaged to be made, exceed those which by the terms of contract could be demanded.

"This being the case, and the Loan in question having been in its origin specifically appropriated to the purpose of the Sinking Fund;

"It is the opinion of the committee, that it is not advisable to divert it from its destination, as is proposed by the bill referred to them; and consequently, that the bill should not pass."

On motion, it was agreed to adopt the report of the committee.

On motion, that the bill last reported on be con-

3D CON.—5

sidered in paragraphs, it passed in the negative—yeas 7, nays 12, as follows:

YEAS.—Messrs. BROWN, BURR, HAWKINS, HENRY, JACKSON, MARTIN, and ROSS.

NAYS.—Messrs. BRADFORD, CABOT, ELLSWORTH, FOSTER, FRELINGHUYSEN, GUNN, KING, LIVERMORE, MORRIS, POTTS, RUTHERFORD, and VINING.

And so the bill was rejected.

A message from the House of Representatives informed the Senate, that the House have passed a "resolve directing the respective Clerks of the District Courts of the United States to return copies of the tables of fees payable in the Supreme or Superior Court of the State in which he resides, to the Attorney General;" in which they desire the concurrence of the Senate.

The resolve last brought from the House of Representatives for concurrence was read.

Resolved, That the Senate concur therein.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks." They have appointed a committee to join such committee as shall be appointed on the part of the Senate, to wait on the PRESIDENT OF THE UNITED STATES, and notify him of the proposed recess of Congress.

The Senate proceeded to the consideration of the resolution last mentioned; and,

Resolved, That they do concur therein, and that Messrs. VINING and KING be the committee on the part of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks," was read; and it was agreed, by unanimous consent, to dispense with the rule, and that the bill be now read the second time.

Ordered, That this bill be referred to Messrs. ROSS, BRADFORD, and MORRIS, to consider and report thereon to the Senate.

Mr. ROSS, from the committee last mentioned, reported that the consideration of this bill be postponed until the next session of Congress; and the report was adopted. Whereupon,

Resolved, That this bill do not pass.

Mr. ELLSWORTH, from the committee to whom was referred the petition of George Nixon and others, clerks in the Auditor's office, reported a bill, which was read, and the rule was dispensed with by unanimous consent, and the bill was read the second time.

On motion to amend the bill it passed in the negative, and the bill being read by paragraphs, it was ordered to a third reading.

A message from the House of Representatives informed the Senate that the House of Representatives agree to some amendments, agree to some amendments with amendments, and disagree to other amendments, of the Senate on the bill, entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts."

The Senate proceeded to consider the resolution of the House of Representatives on the bill last mentioned; and

Resolved, That they agree to the amendments of the House of Representatives to their amendments, and recede from their own amendments to the fourth section of the said bill.

Mr. VINING reported, from the joint committee, that they had waited on the PRESIDENT OF THE UNITED STATES, and acquainted him with the intended recess of Congress on the 9th instant.

Mr. KING, from the managers at the conference on the disagreeing votes of the two Houses on the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," reported that they could come to no agreement with the managers on the part of the House of Representatives.

A message from the House of Representatives informed the Senate, that the House adhere to their disagreement to the amendments of the Senate to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers."

Resolved, That the Senate adhere to their amendments to the bill last mentioned.

So the bill was lost.

Mr. CABOT, from the committee to whom was referred the bill, entitled "An act making appropriations for certain purposes therein expressed," reported that the bill pass without amendment; which report was adopted; and, the bill being read in paragraphs, it was ordered to a third reading.

MONDAY, JUNE 9.

On motion, the rule was, by unanimous consent, dispensed with, and Mr. KING obtained permission to introduce a bill for the more effectual protection of the Southwestern frontiers; and the bill had its first and second reading.

On the question to agree to the first section of the bill, which is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, unless it shall be the opinion of the President of the United States, that a regiment of the troops heretofore authorized to be raised, may, consistently with the good of the public service, be employed for the protection of the Southwestern frontier, he be, and hereby is, authorized to cause to be raised for three years, unless sooner discharged, within the States of Georgia, South Carolina, North Carolina, the Territory South of the Ohio, and the State of Virginia, an additional regiment of infantry, consisting of one thousand one hundred and forty non-commissioned officers, musicians and privates, and solely to appoint the commissioned officers thereof, and to organize the same according to the present Military Establishment."

It passed in the affirmative—yeas 15, nays 4, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Henry, Jackson, King, Livermore, Morris, Potts, Rutherford, and Vining.

NAYS.—Messrs. Brown, Burr, Martin, and Ross.

On motion by Mr. JACKSON, to postpone the last section of the bill, which is as follows:

"And be it further enacted, That all persons who shall be assembled or embodied in arms, upon any land belonging to Indians, out of the ordinary jurisdiction of any State, or of the said Territory South of the Ohio, for the purpose of warring against the Indians, or of committing depredations upon any Indian town, or persons or property, shall thereby become liable and subject to the Rules and Articles of War which are, or shall be established for the government of the troops of the United States,"

For the purpose of substituting the following:

"And be it further enacted, That any militia officer of the United States, or either of the States, conducting, authorizing, or attending, any expedition over the present boundary line between the respective States and any Indian tribe or nation, except in the pursuit of parties of Indians who may commit depredations on the persons or property of the citizens of the United States, for the purpose of attacking their Indian towns, or destroying their persons, or to commit other depredations on their rights, shall, in addition to the pains or penalties the law of the United States now subjects him to, be liable to a trial by a General Court martial, to be ordered by the Executive of the State or Territory to which such officer shall belong, and whose duty it is hereby declared to be, to order such Court-martial, and shall, if found guilty thereof, be cashiered, and be forever thereafter disqualified from holding any commission in the militia of the United States, or of either of the States."

It passed in the negative—yeas 8, nays 11, as follows:

YEAS.—Messrs. Brown, Burr, Frelinghuysen, Gunn, Henry, Jackson, Martin, and Ross.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, King, Livermore, Morris, Potts, Rutherford, and Vining.

On motion that this bill be now read a third time by unanimous consent, it was not agreed to.

The bill for the further compensation of clerks in the Auditor's office, was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for certain purposes therein expressed," was read the third time, and passed.

On motion to rescind the resolution of both Houses, that Congress adjourn on this day, and to agree to adjourn on Wednesday next, it passed in the negative.

The PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his specie account for the quarter ending the 31st of March last; which were read and ordered to lie for consideration.

A message from the House of Representatives informed the Senate, that the House, having finished the business of the session, are about to adjourn.

Ordered, That the Secretary notify the House of Representatives, that the Senate likewise, having finished the business of the session, are about to adjourn; and he, having reported that he had delivered the message, the PRESIDENT of the Senate, conformably to the resolution of the 5th instant, adjourned the Senate to the day appointed by law for the next meeting of Congress.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE THIRD CONGRESS, BEGUN AND HELD AT THE CITY OF
PHILADELPHIA, DECEMBER 2, 1793.

MONDAY, December 2, 1793.

This being the day appointed by the Constitution for the meeting of the present Congress, the following members appeared and took their seats :

From New Hampshire.—NICHOLAS GILMAN, JOHN S. SHERBURNE, JEREMIAH SMITH, and PAINE WINGATE.

From Massachusetts.—SHEARJASHUB BOURNE, DAVID COBB, HENRY DEARBORN, BENJAMIN GOODHUE, SAMUEL HOLTEN, WILLIAM LYMAN, THEODORE SEDGWICK, GEORGE THATCHER, and ARTEMAS WARD.

From Connecticut.—AMASA LEARNED, URIAH TRACEY, JONATHAN TRUMBULL, and JEREMIAH WADSWORTH.

From Vermont.—ISRAEL SMITH.

From New York.—THEODORUS BAILEY, EZEKIEL GILBERT, HENRY GLENN, JAMES GORDON, SILAS TALBOT, JOHN E. VAN ALLEN, PHILIP VANCORTLANDT, PETER VAN GAASBECK, and JOHN WATTS.

From New Jersey.—JOHN BEATTY, ELIAS BOUNDINOT, LAMBERT CUDWALADER, ABRAHAM CLARK, and JONATHAN DAYTON.

From Pennsylvania.—JAMES ARMSTRONG, WILLIAM FINDLEY, THOMAS FITZSIMONS, ANDREW GREGG, THOMAS HARTLEY, WILLIAM IRVINE, JOHN WILKES KITTERA, FREDERICK AUGUSTUS MUHLENBERG, PETER MUHLENBERG, THOMAS SCOTT, and JOHN SMILIE.

From Maryland.—GEORGE DENT, and SAMUEL SMITH.

From Virginia.—WILLIAM B. GILES, CARTER B. HARRISON, JOHN HEATH, RICHARD BLAND LEE, JAMES MADISON, ANDREW MOORE, ANTHONY NEW, JOHN NICHOLAS, FRANCIS PRESTON, ROBERT RUTHERFORD, ABRAHAM VENABLE, and FRANCIS WALKER.

From Kentucky.—CHRISTOPHER GREENUP.

From North Carolina.—THOMAS BLOUNT, WILLIAM JOHNSON DAWSON, MATTHEW LOCKE, NATHANIEL MACON, and ALEXANDER MEBANE.

From South Carolina.—WILLIAM SMITH.

From Georgia.—ABRAHAM BALDWIN and THOMAS P. CARNES.

A quorum of the members being present, the House proceeded to ballot for a Speaker, when it appeared that FREDERICK A. MUHLENBERG, one of the members from Pennsylvania, was elected ;

whereupon he was conducted to the Chair, and made his acknowledgments to the House.

The House then proceeded, in the same manner, to the appointment of a Clerk, when JOHN BECKLEY was appointed.

The usual oath was then administered to the members.

Messages were interchanged between the two Houses, announcing their formation and readiness to proceed to business.

Joseph Wharton was appointed Sergeant-at-Arms, Gifford Dally as Doorkeeper, and Thomas Claxton as Assistant Doorkeeper.

A joint committee was appointed by the two Houses to wait on the PRESIDENT OF THE UNITED STATES, to inform him that a quorum of the two Houses is assembled, and ready to receive any communication that he may think proper to make to them.

Resolved, That two Chaplains, of different denominations, be appointed, one by each House, to interchange weekly.

Resolved, That a standing Committee of Elections be appointed ; also a committee to report rules and orders of proceeding.

TUESDAY, December 3.

JOSEPH McDOWELL and BENJAMIN WILLIAMS, from North Carolina, appeared and took their seats.

A message from the Senate announced their readiness to receive the communication from the PRESIDENT OF THE UNITED STATES. The SPEAKER and members withdrew to the Senate Chamber, where the PRESIDENT attended and delivered his Speech to the two Houses, which will be found in the proceedings of the Senate, page 10.

On the return of the members, the Speech was committed to a Committee of the Whole.

A message was received from the PRESIDENT, with a copy of his Proclamation and of the Rules prescribed by him for the government of the Executive Officers in executing the Treaties between the United States and Foreign Powers, referred to in the PRESIDENT'S Speech. [For copies of these papers, see the Appendix.]

The Senate informed the House that they had appointed the Right Reverend Bishop WHITE Chaplain.

And the House proceeded to elect their Chap-

lain. The Reverend ASHBEL GREEN was their choice.

WEDNESDAY, December 4.

PELEG COFFIN, jr., from Massachusetts; WILLIAM MONTGOMERY, from Pennsylvania; and WILLIAM VANS MURRAY, from Maryland, appeared, produced their credentials, and took their seats in the House; the oath to support the Constitution of the United States being first administered to them by the SPEAKER, according to law.

The House resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT of the UNITED STATES to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had had the said Speech under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That it is the opinion of this Committee that a respectful Address ought to be presented by the House of Representatives to the PRESIDENT of the UNITED STATES, in answer to his Speech to both Houses of Congress, at the commencement of this session, containing assurances that this House will take into consideration the various and important matters recommended to their attention.

Ordered, That Messrs. MADISON, SEDEWICK, WATTS, HARTLEY, and SAMUEL SMITH, be appointed a committee to prepare an Address pursuant to the said resolution.

Resolved, That this House will, to-morrow, again resolve itself into a Committee of the Whole House on the said Speech.

A petition of Henry Latimer, of the State of Delaware, was presented to the House and read, complaining of an undue election and return of JOHN PATTON, to serve as a member of this House for the said State.

Ordered, That the said petition do lie on the table.

TREATY WITH THE INDIANS.

A communication was received from the War Department, consisting of a copy of the instructions given to the Commissioners for treating with the Indians North of the Ohio; the Journal of those Commissioners, and a list of the officers in the service of the United States.

Some objection was at first made to reading the two first communications, but was afterwards waived.

The instructions were then read. They premise, that it appears a great majority of the people of the United States are averse to the Indian war, and wish for peace with the savages if it can be obtained on just and honorable terms. They contemplate the treaty at Fort Harmar as valid, and the sales made there, good. They propose offering the hostile Indians, if they should come to terms of accommodation, the guarantee of the United States against any impositions of her citizens. The Commissioners were empowered to promise \$50,000 worth of goods, and an annual

present of \$10,000, if the hostile tribes should agree to terms. They were instructed to prevent, if possible, a confederacy of the Indians; to secure and explain the nature of our right of pre-emption to their lands, and to admit no British agents to the treaty as mediators; they might, however, attend the treaty as spectators, as the United States, wishing to deal fairly with the Indian tribes, and secure an honorable peace, did not care who witnessed the transaction.

Some objections were started to reading the Journal with open galleries until the nature of it was known. After a short conversation upon the propriety of reading it privately, a motion to adjourn was made and carried.

THURSDAY, December 5.

FISHER AMES and DWIGHT FOSTER, from Massachusetts; and NATHANIEL NILES, from Vermont, appeared, produced their credentials, and took their seats.

The House resumed the reading of the papers communicated by the Secretary of War, yesterday, and went through the same.

Ordered, That the said papers be committed to the Committee of the Whole House on the state of the Union.

The following Message was received from the PRESIDENT of the UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

As the present situation of the several Nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things, between them and us, matter of interesting inquiry to the Legislature, and may, indeed, give rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The Representative and Executive bodies of France have manifested, generally, a friendly attachment to this country; have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground; a decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy-goods lawful prize, in the vessel of a friend, contrary to our treaty, though revoked at one time, as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on this subject will be immediately given in charge to our Minister there, and the result shall be communicated to the Legislature.

It is with extreme concern I have to inform you, that the proceedings of the person whom they have unfortunately appointed their Minister Plenipotentiary here, have breathed nothing of the friendly spirit of the Nation which sent him; their tendency, on the contrary, has been to involve us in war abroad, and discord and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from senti-

DECEMBER, 1793.]

Address to the President.

[H. OF R.]

ments of regard to his Nation; from a sense of their friendship towards us; from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions; and I will add, from a reliance on the firmness of my fellow-citizens, in their principles of peace and order. In the mean time, I have respected and pursued the stipulations of our treaties according to what I judged their true sense; and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further. Rather than employ force for the restitution of certain vessels which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties, by avowing it to be my opinion, that, if restitution were not made, it would be incumbent on the United States to make compensation. The papers now communicated will more particularly apprise you of these transactions.

The vexations and spoliations understood to have been committed on our vessels and commerce, by the cruisers and officers of some of the belligerent Powers, appeared to require attention. The proofs of these, however, not having been brought forward, the description of citizens supposed to have suffered, were notified that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British Government having undertaken, by orders of the Commanders of their armed vessels, to restrain, generally, our commerce, in corn and other provisions, to their own ports and those of their friends, the instructions now communicated were immediately forwarded to our Minister at that Court. In the mean time, some discussions on the subject took place between him and them; these are also laid before you; and I may expect to learn the result of his special instructions, in time to make it known to the Legislature during their present session.

Very early after the arrival of a British Minister here, mutual explanations on the inexecution of the Treaty of Peace were entered into with that Minister; these are now laid before you for your information.

On the subjects of mutual interest between this country and Spain, negotiations and conferences are now depending. The public good requiring that the present state of these should be made known to the Legislature, *in confidence only*, they shall be the subject of a separate and subsequent communication.

G. WASHINGTON.

UNITED STATES, December 5, 1793.

The PRESIDENT sent, also, a copy of the report of the late Commissioners for settling accounts between the United States and individual States, stating the balances due to and from the respective States.

The Message and Communications from the PRESIDENT were partly read, and ordered to be printed.

Mr. MADISON, from the committee appointed, presented an address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

FRIDAY, December 6.

JAMES HILLHOUSE, from Connecticut, and JOSIAH PARKER, from Virginia, appeared and took their seats.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, reported that the Committee had, in part, examined the certificates and other credentials of the members returned to serve in this House, and had agreed upon a report; which was read, and is as follows:

"It appears to your Committee, that the credentials of the following members are sufficient to entitle them to take their seats, in the House, to wit:

[After enumerating the names of the members whose credentials were examined, the report concludes:]

"Your Committee further report that, in the case of JOHN PATTON, returned as a member for the State of Delaware, the Executive of the said State have, together with the return, transmitted a protest, made to them by Henry Latimer, of the said State, against the return of the said JOHN PATTON."

Ordered, That the said report do lie on the table.

The House resolved itself into a Committee of the Whole House on the Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had had the said Address under consideration, and made no amendment thereto.

Resolved, unanimously, That this House doth agree to the said Address, in the words following:

SIR: The Representatives of the people of the United States, in meeting you for the first time since you have been again called, by an unanimous suffrage, to your present station, find an occasion, which they embrace with no less sincerity than promptitude, for expressing to you their congratulations on so distinguished a testimony of public approbation, and their entire confidence in the purity and patriotism of the motives which have produced this obedience to the voice of your country. It is to virtues which have commanded long and universal reverence, and services from which have flowed great and lasting benefits, that the tribute of praise may be paid without the reproach of flattery; and it is from the same sources that the fairest anticipations may be derived in favor of the public happiness.

The United States having taken no part in the war which had embraced in Europe the Powers with whom they have the most extensive relations, the maintenance of peace was justly to be regarded as one of the most important duties of the Magistrate charged with the faithful execution of the laws. We accordingly witness, with approbation and pleasure, the vigilance with which you have guarded against an interruption of that blessing, by your Proclamation, admonishing our citizens of the consequences of illicit or hostile acts towards the belligerent parties; and promoting, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation.

The connexion of the United States with Europe has evidently become extremely interesting. The communications which remain to be exhibited to us will, no

H. of R.]

Address to the President.

[DECEMBER, 1793.]

doubt, assist in giving us a fuller view of the subject, and in guiding our deliberations to such results as may comport with the rights and true interests of our country.

We learn, with deep regret, that the measures, dictated by a love of peace, for obtaining an amicable termination of the afflicting war on our frontiers, have been frustrated, and that a resort to offensive measures should have again become necessary. As the latter, however, must be rendered more satisfactory, in proportion to the solicitude for peace, manifested by the former, it is to be hoped they will be pursued under the better auspices, on that account, and be finally crowned with more happy success.

In relation to the particular tribe of Indians against whom offensive measures have been prohibited, as well as on all the other important subjects which you have presented to our view, we shall bestow the attention which they claim. We cannot, however, refrain, at this time, from particularly expressing our concurrence in your anxiety for the regular discharge of the Public Debts, as fast as circumstances and events will permit, and, in the policy of removing any impediments that may be found in the way of a faithful representation of public proceedings throughout the United States, being persuaded, with you, that on no subject more than the former can delay be more injurious, or an economy of time more valuable; and that, with respect to the latter, no resource is so firm for the Government of the United States as the affections of the people, guided by an enlightened policy.

Throughout our deliberations we shall endeavor to cherish every sentiment which may contribute to render them conducive to the dignity as well as to the welfare of the United States. And we join with you in imploring that Being, on whose will the fate of nations depends, to crown with success our mutual endeavors.

Resolved, That Mr. SPEAKER, attended by the House, do present the said Address, and that Mr. MADISON, Mr. SEDGWICK, and Mr. HARTLEY, be a committee to wait on the PRESIDENT, to know when and where it will be convenient for him to receive the same.

A petition of Henry K. Van Rensselaer, of the State of New York, was presented to the House and read, complaining of an undue election and return of John E. Van Allen, to serve as a member of this House for the said State.

Ordered, That the said petition be referred to the Committee of Elections.

The House resumed the reading of the Message and communications received yesterday from the PRESIDENT OF THE UNITED STATES, and made a further progress therein.

Mr. MADISON, from the committee appointed to wait on the PRESIDENT OF THE UNITED STATES, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress, reported that the committee had waited on the PRESIDENT, who signified to them that it would be convenient to him to receive the said Address at 12 o'clock, to-morrow, at his own house.

—————
SATURDAY, December 7.

PELEG WADSWORTH, from Massachusetts, and JOSEPH NEVILLE, from Virginia, appeared, produced their credentials, and took their seats.

The SPEAKER, attended by the House, then withdrew to the house of the PRESIDENT OF THE UNITED STATES, and there presented to him the Address of this House, in answer to his speech to both Houses of Congress; to which the PRESIDENT made the following Reply:

GENTLEMEN: I shall not affect to conceal the cordial satisfaction which I derive from the Address of the House of Representatives. Whatsoever those services may be which you have sanctioned by your favor, it is a sufficient reward that they have been accepted as they were meant. For the fulfilment of your anticipations of the future, I can give no other assurance than that the motives which you approve shall continue unchanged.

It is truly gratifying to me to learn that the Proclamation has been considered as a seasonable guard against the interruption of the public peace. Nor can I doubt that the subjects which I have recommended to your attention as depending on Legislative provisions, will receive a discussion suited to their importance. With every reason, then, it may be expected that your deliberations, under the Divine blessing, will be matured to the honor and happiness of the United States.

G. WASHINGTON.

The House resumed the reading of the communications received from the PRESIDENT OF THE UNITED STATES on Thursday last, and made a further progress therein.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his accounts of the receipts and expenditures of public moneys, from the 1st of January to the 31st of March, 1793, inclusive; also, of his payments and receipts on account of the War Department, from the 1st of January to the 30th of June, 1793, inclusive; which were read, and ordered to lie on the table.

—————
MONDAY, December 9.

GABRIEL CHRISTIE, from Maryland, THOMAS CLAIBORNE and GEORGE HANCOCK, from Virginia, JOSEPH WINSTON, from North Carolina, JOHN HUNTER and ANDREW PICKENS, from South Carolina, appeared, produced their credentials, and took their seats in the House.

The House resumed the reading of the Communications received from the PRESIDENT OF THE UNITED STATES on Thursday last, and made a further progress therein.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, to whom was referred the petition of Henry K. Van Rensselaer, of the State of New York, complaining of an undue election and return of John E. Van Allen, to serve as a member of this House for the said State, made a report; which was read, and ordered to lie on the table.

—————
TUESDAY, December 10.

The House resumed the reading of the Communications received from the PRESIDENT OF THE UNITED STATES on Thursday last, and made a further progress therein.

Ordered, That the petition of Henry Latimer, of the State of Delaware, complaining of an undue

DECEMBER, 1793.]

Proceedings.

[H. OF R.]

election and return of John Patton, to serve as a member of this House for the said State, which lay on the table, be referred to the Committee of Elections, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

WEDNESDAY, December 11.

BENJAMIN BOURNE and FRANCIS MALBONE, from Rhode Island, appeared, produced their credentials, and took their seats in the House.

The House resumed the reading of the Communications received from the PRESIDENT OF THE UNITED STATES on Thursday last, and went through the same.

Ordered, That the said Communications be committed to the Committee of the Whole House on the state of the Union.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had again had the said Speech under consideration, and come to several resolutions thereupon; which were severally twice read and agreed to by the House, as follow:

1st. *Resolved*, That a committee be appointed to prepare and bring in a bill for completing and better supporting the Military Establishment of the United States.

2d. *Resolved*, That a committee be appointed to report whether any, and what, amendments are, in their opinion, necessary to the act for establishing a uniform militia throughout the United States.

3d. *Resolved*, That a committee be appointed to report whether any, and what, alterations or amendments are, in their opinion, necessary to the act to establish the Post Office and Post Roads of the United States.

Ordered, That Mr. JEREMIAH WADSWORTH, Mr. GILMAN, Mr. BOUDINOT, Mr. PETER MUHLENBERG, Mr. PARKER, Mr. CARNES, and Mr. BLOUNT, be a committee pursuant to the first resolution.

Ordered, That Mr. CORB, Mr. SHERBURNE, Mr. BENJAMIN BOURNE, Mr. VAN CORTLANDT, Mr. MONTGOMERY, Mr. HARRISON, and Mr. PICKENS, be a committee pursuant to the second resolution.

Ordered, That Mr. SEDGWICK, Mr. TRACY, Mr. GLENN, Mr. CLARK, Mr. FITZSIMONS, Mr. DENT, Mr. WALKER, Mr. McDOWELL, and Mr. HUNTER, be a committee pursuant to the third resolution.

Resolved, That this House will, on Friday next, again resolve itself into a Committee of the Whole House on the said Speech.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and expenditures of public moneys, from the 1st of April to the 30th of June, 1793, inclusive; which were read, and ordered to lie on the table.

Mr. BOUDINOT, from the committee appointed to examine the Journal of the last session, and to report therefrom all such matters of business as

were then depending and undetermined, made a report; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to examine the laws of the United States, and report to the House such as have expired, or will expire, before the next session; and that Mr. BOUDINOT, Mr. GOODRUE, and Mr. KITTERA, be the said committee.

FRIDAY, December 13.

THOMAS TREDWELL, from New York, and JOHN PATTON, from Delaware, appeared, produced their credentials, and took their seats.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had again had the said Speech under consideration, and made a further progress therein.

Resolved, That this House will, on Monday next, again resolve itself into a Committee of the Whole House on the said Speech.

Ordered, That a committee be appointed to prepare and bring in a bill to establish an uniform system of bankruptcy throughout the United States; and that Mr. GILES, Mr. WILLIAM SMITH, Mr. AMES, Mr. HARTLEY, Mr. HILLHOUSE, Mr. FITZSIMONS, and Mr. BOUDINOT, be the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill to make provision for the renewal of destroyed certificates of Debt of the United States; and that Mr. LEE, Mr. COFFIN, and Mr. BEATTY, be the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill for the relief of sick and disabled seamen; and that Mr. GOODRUE, Mr. WATTS, Mr. NICHOLAS, Mr. WINSTON, and Mr. MALBONE, be the said committee.

MONDAY, December 16.

SAMUEL DEXTER, Junior, from Massachusetts, JOSHUA COIT and ZEPHANIAH SWIFT, from Connecticut, and RICHARD WINN, from South Carolina, appeared, produced their credentials, and took their seats.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, requesting that a new inquiry into his official conduct may be instituted, in some mode most effectual for an accurate and thorough investigation; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying a return of the ordnance, arms, and military stores, in possession of the United States; also, a variety of papers, from A to L, inclusive, giving a view of the Southwestern frontiers, as connected with the Creeks and the State of Georgia and the Southwestern Territory of the United States. The said Letter and Communications were partly read.

Ordered, That a committee be appointed to take into consideration the act "To establish the

H. OF R.]

Proceedings.

[DECEMBER, 1793.]

Judicial Courts of the United States," and report some provisions in the case, where any Judge of the Courts of the United States is, or may, by sickness or other disqualifying cause, be rendered incapable of discharging the duties of his office; also, some further provision concerning bail, process, and costs, in the Courts of the United States; and, generally, to report such amendments to the said act as they may judge necessary and Constitutional; and that Mr. WILLIAM SMITH, Mr. JEREMIAH SMITH, Mr. MOORE, Mr. MURRAY, Mr. THATCHER, Mr. SCOTT, and Mr. CHRISTIE, be the said committee.

A message was received from the PRESIDENT OF THE UNITED STATES, communicating certain confidential communications respecting the transactions of the Government of the United States with Spain.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you a report of the Secretary of State on the measures which have been taken, on behalf of the United States, for the purpose of obtaining a recognition of our Treaty with Morocco, and for the ransom of our citizens and establishment of peace with Algiers.

While it is proper our citizens should know that subjects which so much concern their interests and their feelings have duly engaged the attention of their Legislature and Executive, it would still be improper that some particulars of this communication should be made known. The confidential conversation stated in one of the last Letters, sent herewith, is one of these. Both justice and policy require that the source of that information should remain secret, as a knowledge of the sums meant to have been given for peace and ransom might have a disadvantageous influence on future proceedings for the same objects.

G. WASHINGTON.

TUESDAY, December 17.

The SPEAKER laid before the House a Letter and Report from the Commissioners for purchasing the Public Debt, stating the amount of purchases and other proceedings since their last report; which were read, and ordered to lie on the table.

Mr. JEREMIAH WADSWORTH, from the committee appointed, presented a bill for completing and better supporting the Military Establishment of the United States; which was read twice and committed.

The House proceeded to the reading of the confidential communications received yesterday from the PRESIDENT OF THE UNITED STATES, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners and establishment of peace with the Algerines, and went through the same.

The House then proceeded to the reading of the confidential communications from the PRESIDENT, respecting the transactions of the Government of the United States with Spain, and made some progress therein.

WEDNESDAY, December 18.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, to whom was referred the petition of Henry K. Van Rensselaer, of the State of New York, complaining of an undue election and return of John E. Van Allen, to serve as a member of this House for the said State, made a further report; which was read, and ordered to be committed to a Committee of the Whole House on Friday next.

Ordered, That the confidential communications received from the PRESIDENT OF THE UNITED STATES on Monday last, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners and establishment of peace with the Algerines, be committed to a Committee of the Whole House tomorrow.

The House resumed the reading of the confidential communications from the PRESIDENT, respecting the transactions of the Government of the United States with Spain, and made a further progress therein.

THURSDAY, December 19.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting an account of receipts and expenditures of the United States for the year one thousand seven hundred and ninety-two, and accompanied with an explanatory Letter to him from the Comptroller of the Treasury; which were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying further communications respecting the Southwestern frontiers, as connected with the Creeks, and the State of Georgia, and the Southwestern Territory of the United States.

Ordered, That the said Letter and Communications do lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of State, accompanying a report on the privileges and restrictions on the commerce of the United States in foreign countries, made pursuant to a resolution of the House of the twenty-third of February, one thousand seven hundred and ninety-one; which was read, and ordered to be committed to the Committee of the Whole House to whom are committed the confidential communications from the PRESIDENT respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners and establishment of peace with the Algerines.

Ordered, That a committee be appointed to inquire into and report a state of facts respecting sundry French vessels which have taken refuge in the ports of the United States, and their opinion on the propriety of remitting the foreign tonnage thereon; and that Mr. VENABLE, Mr. TALBOT, and Mr. LYMAN, be the said committee.

The House resumed the reading of the confi-

DECEMBER, 1793.]

Contested Election.

[H. OF R.]

dential communications from the PRESIDENT respecting the transactions of the Government of the United States with Spain, and went through the same.

Ordered, That the said communications be committed to the Committee of the Whole House to whom are committed the confidential communications respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners and establishment of peace with the Algerines.

FRIDAY, December 20.

WILLIAM HINDMAN, from Maryland, and SAMUEL GRIFFIN, from Virginia, appeared, produced their credentials, and took their seats.

CONTESTED ELECTION

The House went into Committee of the Whole on the report of the Committee of Elections respecting the election of Mr. J. E. Van Allen. The petition of Mr. Henry Van Rensselaer, the two reports of the Committee of Elections, and the election law of the State of New York, were read by the Clerk.

Mr. LEE stated a number of facts as connected with this subject, and added the following questions, viz.:

1. Whether irregularities not deemed by the law of New York sufficient to nullify the votes given shall be regarded by the House of Representatives as having that effect? None of the irregularities (observed Mr. LEE) were regarded by the law of New York as sufficient to vitiate the returns of votes made by the inspectors, who are sworn officers, and subject to pains and penalties for failure of duty. If the law of New York is to be observed as a sovereign rule on this occasion, the allegations do not state any facts so material as to require the interference of the House of Representatives.

2. Whether, setting aside this first principle, mere irregularities not alleged to have proceeded from corruption, shall nullify the return of sworn officers; and whether the House of Representatives ought to countenance and inquire into the mere implications of such serious crimes as perjury and corruption, or should require such charges to be expressly and specifically made?

3. Whether it is not an indispensable requisite to the existence of a Representative Government that at every election a choice should be made?

4. Whether, to insure such choice, it be not necessary that this principle should be established: that a majority of legal votes, legally given, should decide the issue of an election?

5. Whether, therefore, partial corruption should be deemed sufficient to nullify an election, or only sufficient to vitiate the votes given under such corruption, leaving the election to be decided by the sound votes, however few?

6. Whether, if partial corruption should be deemed sufficient to nullify an election, such corruption should not extend to the major part of the

votes given, and if the major part of the votes be deemed sound, the fate of the election should not depend on the plurality of votes in such major part?

Mr. LEE observed, that this last was the opinion of the committee, and they have stated facts according to this opinion, and finding a major part of the votes duly given and canvassed, and that J. E. Van Allen had a plurality of such major part, they have determined that he was duly returned to serve in the present Congress.

A variety of objections were offered to the report of the Committee of Elections; that it did not contain so full a statement of facts as would warrant the Committee of the Whole in deciding on the merits on the election. Sundry allegations of the petition devolved inquiries on the part of the Committee which not only affected the purity of elections, but the privileges of the House, and their right to judge of the qualifications of its members. These inquiries might enable the Committee to determine the number of votes actually given, and the validity of those votes. That the act of the State of New York should be suffered to operate in this case so as to exclude from the House a knowledge of the full amount of the number of votes given, appeared very extraordinary. The respective Houses of Congress possess exclusively the right to judge of the qualifications of their own members. This right includes evidently full power to ascertain with precision the actual state of the polls. If the votes of the citizens freely and fairly given can, under any pretext whatever, be suppressed, the essential rights of suffrage are at an end. It was observed, that corruption in elections was the door at which corruption would creep into the House; that it appeared to be admitted there had been irregularities in some of the towns in the district in question; but it had been made a question—not whether corruption generally should vitiate an election—but what quantum should be sufficient for that purpose; so that corruption was considered, in relation to an election, by weight or measure. The allegations of the petition were urged in support of these objections. These stated sundry irregularities in relation to the returns not corresponding with the numbers of votes given in several towns; the boxes not being properly secured which conveyed the votes to the canvassing committee—one of which had been deposited in the house of the sitting member for a number of hours, &c.

In support of the Committee of Election's report, it was observed, that the allegations in the petition showed that the principal support it rested on was, that the returning officers of some of the towns in the district from which the sitting member came, had rejected a number of votes given in for the petitioner. It was shown, from the provisions of the election law of New York that these votes might have been legally rejected. The petition stated that numbers of persons had sworn that they had voted for the petitioner, whose votes, by the returns, it does not appear were counted. On this, it was observed, that the Committee did not consider this allegation of a

nature proper to engage their attention. It was presumed that the House of Representatives would never institute an inquiry into such a species of evidence. It was extremely difficult for a man to swear that he had positively voted by ballot for a particular candidate, since it is well known that persons had, on such occasions, frequently put in a ballot for the person he had not intended to vote for. In the hurry and confusion which often take place, the ballots get shifted, and one is put in lieu of another. To the objection to the law of the State of New York, drawn from the Constitution of the United States, it was replied, that the regulating the "time, place, and manner" of holding elections is expressly vested in the State Legislatures. These necessarily include a great variety of incidental circumstances, which must also be left to their discretion. Congress cannot enter into a consideration of the minutiae of the elections. The different customs of the several States will not admit of one uniform system. With respect to the box which contained part of the votes having been deposited in the house of the sitting member, it was observed that no imputation was conveyed against him in the petition on that account. It did not appear that the number of votes it contained had been either increased or diminished: nor was there any charge against him of being accessory to any unfair practices in the election. The Committee had taken cognizance of every fact that had come into their possession, and the result was before the Committee of the Whole.

It was further stated by one of the Committee of Elections, that the only question to be determined was, whether the irregularity of the votes in two towns, in a district consisting of ten towns, in case the votes of those two towns do not amount to a majority of the whole number of votes in the district, such irregularity shall vitiate the election of such district?

Some observations were made by several gentlemen on the different modes of voting by ballot and *viva voce*.

Mr. WATTS explained the process under the election law of New York, and stated the principles on which votes particularly circumstanced were rejected, and the accidents by which they were sometimes omitted in the general canvass.

The Committee, on the whole, did not appear to be ripe for a decision. They, therefore, rose and reported progress, and, after rejecting a motion that the Committee of Elections should be instructed to report a state of facts in their possession, (which several of the committee said they had already done,) the House adjourned, without coming to a vote on the report.

MONDAY, December 23.

ALEXANDER D. ORR, from Kentucky, appeared, produced his credentials, and took his seat in the House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appro-

priated for the service of the year one thousand seven hundred and ninety-four; which were read and ordered to lie on the table.

The House resumed the reading of the communications from the Secretary of War, respecting the Southwestern frontiers, as connected with the Creeks and the State of Georgia, and the Southwestern Territory of the United States, and made a further progress therein.

TUESDAY, December 24.

The House resumed the consideration of the report from the Standing Committee of Elections, to whom was referred the petition of Henry K. Van Rensselaer, of the State of New York, complaining of an undue election and return of John E. Van Allen, to serve as a member of this House, for the said State. Whereupon,

The motion made on Friday last, to recommit the said report to the same committee, being revived, and the question put thereupon, it passed in the negative.

And then the said report being again read, as follows:

"That your committee have received from Lewis A. Scott, Secretary of the State of New York, a list of the number of votes given in each town in the counties of Rensselaer and Clinton, for John E. Van Allen and Henry K. Van Rensselaer, which list has been admitted by the said sitting member and petitioner to be a true and correct state of the ballots, estimated and canvassed at the said election.

"It appears to your committee, that the allegations in regard to Stephenstown, viz.: 'That the petitioner had a greater number in the said town than was returned to be estimated and canvassed,' even if proved, would not, consistently with the law of the State of New York, be sufficient to set aside the votes given at the election in the said town.

"That even should the irregularities complained of, with respect to the elections of the towns of Hoosack and Rensselaerwyck, be sufficient to set aside the votes given in the said towns, still it appears that the said John E. Van Allen has a majority of the remaining votes of the district, composed of the counties of Rensselaer and Clinton."

Resolved, That this House doth disagree to the said report.

Resolved, That the allegations of the petition do not state corruption, nor irregularities of sufficient magnitude, under the law of New York, to invalidate the election and return of John E. Van Allen to serve as a member in this House, and that, therefore, the said John E. Van Allen is duly elected.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

Since the communications which were made to you on the affairs of the United States with Spain, and on the truce between Portugal and Algiers, some other papers have been received, which, making a part of the same subjects, are now communicated for your information.

G. WASHINGTON.

UNITED STATES, December 23, 1793.

DECEMBER, 1793.]

Treaty with Morocco.

[H. OF R.]

The said Message and papers were read, and ordered to be committed to the Committee of the Whole House, to whom are committed the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines.

The House resolved itself into a Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines; and, after some time spent therein, the Committee rose and asked leave to sit again.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause to be laid before this House the substance of all such laws, decrees, or ordinances, respecting commerce, in any of the Kingdoms or Countries with which the United States have commercial intercourse, and which have been received by the Secretary of State, and not already stated to this House, in his report of the sixteenth instant.

Ordered, That Mr. WINGATE, Mr. NEW, and Mr. ARMSTRONG, be a committee to wait on the PRESIDENT, with the foregoing resolution.

THURSDAY, December 26.

A petition of Abram Trigg, of the State of Virginia, was presented to the House and read, complaining of an undue election and return of Francis Preston, to serve as a member of this House for the said State.

Ordered, That the said petition be referred to the Committee of Elections; that they do examine the matter thereof, and report the same, with their opinion thereon to the House.

The House again resolved itself into a Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines; and, after some time spent therein, the Committee rose and had leave to sit again.

FRIDAY, December 27.

DANIEL HEISTER, from Pennsylvania, appeared, produced his credentials, and took his seat in the House.

Mr. LEE, from the committee appointed, presented a bill providing for destroyed certificates of certain descriptions; which was read the first time.

TREATY WITH MOROCCO.

A motion being made for going into a Committee of the Whole on the subject which was under consideration yesterday—

Mr. NICHOLAS observed, that he hoped the busi-

ness would be kept up without shutting the galleries; for the turn which the discussion took yesterday, he said, it must appear to every member, that excluding the citizens from the gallery was unnecessary.

Mr. BOUDINOT was of opinion, that the public business on the present occasion might be essentially injured by a public discussion.

The rule of the House relative to the discussion of confidential communications was called for, and read. This rule provides that the House shall be cleared of all persons but the members and clerk on such occasions.

Several members spoke in terms of great disapprobation of this rule.

Mr. BOUDINOT observed, that the rule had been adopted after mature consideration, and he did not doubt that, when the reasons on which it was founded were fully known, it would appear to be a wise regulation.

The question recurring for going into a Committee,

Mr. MADISON said if the House voted to go into Committee of the Whole, he supposed it would be moved in the first place, to rescind the above rule. He then stated sundry objections to it; he differed from Mr. BOUDINOT, as to its origin; he said it was passed on a particular occasion, and stated sundry circumstances of that occasion; he concluded by moving for a reconsideration of the rule.

The debate was continued on the subject of the rule; in the course of which it was said, that secrecy in a Republican Government wounds the majesty of the sovereign people; that this Government is in the hands of the people; and that they have a right to know all the transactions relative to their own affairs; this right ought not to be infringed incautiously, for such secrecy tends to injure the confidence of the people in their own Government.

In reply to these remarks, it was said, that because this Government is Republican, it will not be pretended that it can have no secrets. The PRESIDENT OF THE UNITED STATES is the depository of secret transactions; his duty may lead him to delegate those secrets to the members of the House, and the success, safety, and energy of the Government may depend on keeping those secrets inviolably. The people have a right to be well governed; they have interests as well as rights; and it is the duty of the Legislature to take every possible measure to promote those interests. To discuss the secret transactions of the Government publicly, was the ready way to sacrifice the public interest, and to deprive the government of all foreign information, &c.

The motion for going into a Committee of the Whole on the Algerine business being put, was carried; and the galleries were thereupon cleared.

MONDAY, December 30.

Mr. NICHOLAS moved for a reconsideration of the rule of the House, which provides for closing

H. OF R.]

Closing of Galleries.

[DECEMBER, 1793.]

the galleries during the discussion of confidential communications from the PRESIDENT OF THE UNITED STATES.

Some debate ensued on this motion. It was urged, in its support, that the rule bore oppressively on the House; that it left no option with them to determine whether it was proper to close the doors on a particular occasion, or not. Every communication denominated "confidential" imposed a necessity on the House for closing the doors. It had been said that the Committee on the Rules might report an alteration in this particular rule. In answer to this, it was urged that the committee might not be ready to report for some time; in the interim, that no necessity existed for the House having their deliberations hampered by this rule, which might be rescinded by a vote of the House. With respect to foreign connexions, it was observed, these are of a commercial nature, and, therefore, communications relative thereto ought to be made as public as possible, for the people at large are generally and immediately concerned. Against the motion, it was said, no inconvenience had resulted from the operation of the rule; that, until the House experienced such inconvenience, to repeal a rule on the spur of a particular occasion, which, in the nature of things, it is evidently founded on propriety, betrays a versatility in the public councils that may be productive of pernicious consequences. The utility of the rule was expatiated on, in a reference to various objects of a secret and confidential nature. It was observed, that so far as respects the United States, independent of all connexion with other countries, the rule was nugatory; but when it is considered that the United States are one of the nations of the earth, and have very important interests to consult in relation to their connexion with foreign countries, it follows, of course, that very important secrets may exist, and the Government may be deprived of the most essential information from their foreign agents, should all security be removed for the safe-keeping of confidential communications. It was observed, that the connexion of this country with foreign nations, involved other considerations than those of a commercial nature.

The motion, after some further remarks, was varied so as to amount to an amendment only of the rule. The purport of this amendment is, that the rule should leave the House at liberty to discuss confidential communications publicly, if they see proper, after they have been privately read. The amendment was agreed to, in the following words:

"Resolved, That it be a standing order of this House, that, whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons except the members and the Clerk, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon; and that when the Speaker, or any other member, shall inform the House that he has communications to make which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whe-

ther the matter communicated requires secrecy, or not, and take order accordingly."

Ordered, That the Committee of the Whole House to whom were referred the confidential communications from the PRESIDENT, respecting the transactions of the Government of the United States with Spain, be discharged from further proceeding on the same.

The House again resolved itself into a Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines; and, after some time spent therein, the Committee rose, and had leave to sit again.

TUESDAY, December 31.

A petition of the Chief Clerks in several of the Executive Departments of the Government of the United States, was presented to the House and read, stating the insufficiency of the salaries allowed them by law, and praying that the same may be increased, and rendered more adequate to their services. Laid on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making an alteration in the Flag of the United States;" to which they desire the concurrence of the House.

The said bill was read twice and committed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the House of Representatives:

I now transmit you a Report, by the Secretary of State, of such laws, decrees, and ordinances, or their substance, respecting commerce in the countries with which the United States have commercial intercourse, as he has received, and had not stated in his Report of the 16th instant. G. WASHINGTON.

UNITED STATES, December 30, 1793.

The said Message and Report were read, and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House, on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines; and, after some time spent therein, the Committee rose, and had leave to sit again.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you, for your consideration, a Letter from the Secretary of State, informing me of certain impediments which have arisen to the coinage of the precious metals at the Mint.

As also, a Letter from the same officer, relative to certain advances of money, which have been made on

JANUARY, 1794.]

Proceedings.

[H. OF R.]

public account. Should you think proper to sanction what has been done, or be of opinion that anything more shall be done in the same way, you will judge whether there are not circumstances which would render secrecy expedient.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

The said Message and Letters being read,

Ordered, That so much thereof as relates to the impediments which have arisen to the coinage of the precious metals at the Mint be referred to Mr. WILLIAM SMITH, Mr. AMES, and Mr. NILES; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That such other parts of the said Message and Letters, as relate to certain advances of money, which have been made on public account, be committed to a Committee of the Whole House on the state of the Union.

WEDNESDAY, January 1, 1794.

URIAH FORREST and THOMAS SPRIGG, from Maryland, appeared, produced their credentials, and took their seats in the House.

Ordered, That the Message received yesterday from the PRESIDENT OF THE UNITED STATES, accompanying a Report from the Secretary of State, of the substance of such laws, decrees, and ordinances, respecting commerce in the countries with which the United States have commercial intercourse, as he has received since his Report of the 16th instant, be committed to the Committee of the Whole House, to whom are committed the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines.

A memorial of William Patterson, Samuel Sterrit, and Gustavus Scott, the committee appointed by the Legislature of Maryland to draw for, and distribute the moneys granted by that State for the relief of the French emigrants from the island of St. Domingo, was presented to the House and read, stating that their funds are nearly exhausted, and praying the relief and aid of Congress in the premises.

Ordered, That the said memorial be referred to Mr. SAMUEL SMITH, Mr. RUTHERFORD, and Mr. SMILIE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House again resolved itself into a Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and the establishment of peace with the Algerines; and, after some time spent therein, the Committee rose, and had leave to sit again.

THURSDAY, January 2.

ISAAC COLES, from Virginia, and WILLIAM BARRY GROVE, from North Carolina, appeared, pro-

duced their credentials, and took their seats in the House.

The House proceeded to consider the resolutions reported yesterday from the Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines. Whereupon, the first and second of the said resolutions being severally twice read, were, on the question put thereupon, agreed to by the House, as follow:

Resolved, That a sum not exceeding — dollars be appropriated, in addition to the provision heretofore made, to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations.

Resolved, That a naval force, adequate to the protection of the commerce of the United States against the Algerine corsairs, ought to be provided.

The third resolution being read in the words following:

Resolved, That a committee be appointed to report to this House the naval force necessary for the purposes aforesaid, together with an estimate of the expense—

A motion was made and seconded to amend the same, by adding to the end thereof, the words "and the ways and means for defraying the same:"

And the question being put thereupon, it was resolved in the affirmative—yeas 46, nays 44, as follows:

YEAS.—Theodoris Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, William B. Grove, Carter B. Harrison, John Heath, Daniel Heister, William Irvine, Richard Bland Lee, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, John S. Sherburne, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Paine Wingate, and Richard Winn.

NAYS.—Fisher Ames, James Armstrong, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Samuel Griffin, Thomas Hartley, James Hillhouse, Samuel Holten, John Wilkes Kittera, Amasa Learned, William Lyman, Francis Malbone, Peter Muhlenberg, William Vans Murray, Nathaniel Niles, Thomas Scott, Jeremiah Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and John Watts.

And then the main question being put, that the

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

House do agree to the said resolution, amended to read as follows:

"Resolved, That a committee be appointed to report to this House the naval force necessary for the purposes aforesaid, together with an estimate of the expense, and the ways and means for defraying the same."

It was resolved in the affirmative.

Ordered, That Mr. FITZSIMONS, Mr. GOODHUE, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MALBONE, Mr. BOUDINOT, Mr. PARKER, Mr. MACON, and Mr. WINN, be appointed a committee pursuant to the last resolution.

FRIDAY, JANUARY 3.

COMMERCE OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. MADISON, after some general observations on the Report, entered into a more particular consideration of the subject. He remarked, that the commerce of the United States is not, at this day, on that respectable footing to which, from its nature and importance, it is entitled. He recurred to its situation previous to the adoption of the Constitution, when conflicting systems prevailed in the different States. The then existing state of things gave rise to that Convention of Delegates from the different parts of the Union, who met to deliberate on some general principles for the regulation of commerce, which might be conducive, in their operation to the general welfare, and that such measures would be adopted as would conciliate the friendship and good faith of those countries who were disposed to enter into the nearest commercial connexions with us. But what has been the result of the system which has been pursued ever since? What is the present situation of our commerce? From the situation in which we find ourselves after four years' experiment, he observed, that it appeared incumbent on the United States to see whether they could not now take measures promotive of those objects for which the Government was in a great degree instituted. Measures of moderation, firmness, and decision, he was persuaded, were now necessary to be adopted, in order to narrow the sphere of our commerce with those nations who see proper not to meet us on terms of reciprocity.

Mr. M. then read the following resolutions:

"Resolved, as the opinion of this committee, That the interest of the United States would be promoted by further restrictions and higher duties, in certain cases, on the manufactures and navigation of foreign nations employed in the commerce of the United States, than those now imposed.

"1. Resolved, as the opinion of this committee, That an additional duty ought to be laid on the following articles, manufactured by European nations having no commercial treaty with the United States: On all articles of which leather is the material of chief value, an additional duty of — per centum *ad valorem*; on all manufactured iron, steel, tin, pewter, copper, brass, or articles of which either of these metals is the ma-

terial of chief value, an additional duty of — per centum *ad valorem*; on all articles of which cotton is the material of chief value, an additional duty of — per centum *ad valorem*; on all cloths of which wool is the material of chief value, where the estimated value on which the duty is payable is above —, an additional duty of — per centum *ad valorem*; where such value is below —, an additional duty of — per centum *ad valorem*; on all cloths of which hemp or flax is the material of chief value, and of which the estimated value on which the duty is payable is below —, an additional duty of — per centum *ad valorem*; on all manufactures of which silk is the material of chief value, an additional duty of — per centum *ad valorem*.

"2. Resolved, as the opinion of this committee, That an additional duty of — per ton, ought to be laid on the vessels belonging to the nations having no commercial treaty with the United States.

"3. Resolved, as the opinion of this committee, That the duty on vessels belonging to the nations having commercial treaties with the United States, ought to be reduced to — per ton.

"4. Resolved, as the opinion of this committee, That where any nation may refuse to consider as vessels of the United States, any vessels not built within the United States, the foreign built vessels of such nation ought to be subjected to a like refusal, unless built within the United States.

"5. Resolved, as the opinion of this committee, That, where any nation may refuse to admit the produce or manufactures of the United States, unless in vessels belonging to the United States, or to admit them in vessels of the United States, if last imported from any place not within the United States, a like restriction ought, after the — day of —, to be extended to the produce and manufactures of such nation, and that, in the mean time, a duty of — per ton extraordinary ought to be imposed on vessels so importing any such produce or manufacture.

"6. Resolved, as the opinion of this committee, That, where any nation may refuse to the vessels of the United States a carriage of the produce or manufactures thereof, whilst such produce or manufactures are admitted by it in its own vessels, it would be just to make the restriction reciprocal; but, inasmuch as such a measure, if suddenly adopted, might be particularly distressing in cases which merit the benevolent attention of the United States, it is expedient, for the present, that a tonnage extraordinary only of —, be imposed on the vessels so employed; and that all distilled spirits imported therein shall be subject to an additional duty of one — part of the existing duty.

"7. Resolved, as the opinion of this committee, That provision ought to be made for liquidating and ascertaining the losses sustained by citizens of the United States, from the operation of particular regulations of any country contravening the Law of Nations, and that such losses be reimbursed, in the first instance, out of the additional duties on the manufactures, productions, and vessels of the nation establishing such unlawful regulations."

Mr. M. took a general view of the probable effects which the adoption of something like the resolutions he had proposed, would produce. They would produce, respecting many articles imported, a competition which would enable countries who do not now supply us with those articles, to do it, and would increase the encouragement on such as we can produce within ourselves. We

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

should also obtain an equitable share in carrying our own produce; we should enter into the field of competition on equal terms, and enjoy the actual benefit of advantages which nature and the spirit of our people entitle us to.

He adverted to the advantageous situation this country is entitled to stand in, considering the nature of our exports and returns. Our exports are bulky, and therefore must employ much shipping, which might be nearly all our own: our exports are chiefly necessities of life, or raw materials, the food for the manufacturers of other nations. On the contrary, the chief of what we receive from other countries, we can either do without, or produce substitutes.

It is in the power of the United States, he conceived, by exerting her natural rights, without violating the rights, or even the equitable pretensions of other nations—by doing no more than most nations do for the protection of their interests, and much less than some, to make her interests respected; for, what we receive from other nations are but luxuries to us, which, if we choose to throw aside, we could deprive part of the manufacturers of those luxuries, of even bread, if we are forced, to the contest of self-denial. This being the case, our country may make her enemies feel the extent of her power. We stand, with respect to the nation exporting those luxuries, in the relation of an opulent individual to the laborer, in producing the superfluities for his accommodation; the former can do without those luxuries, the consumption of which gives bread to the latter.

He did not propose or wish that the United States should, at present, go so far in the line which his resolutions point to, as they might go. The extent to which the principles involved in those resolutions should be carried, will depend upon filling up the blanks. To go to the very extent of the principle immediately, might be inconvenient. He wished, only, that the Legislature should mark out the ground on which we think we can stand; perhaps it may produce the effect wished for, without unnecessary irritation; we need not at first go every length.

Another consideration would induce him, he said, to be moderate in filling up the blanks—not to wound public credit. He did not wish to risk any sensible diminution of the public revenue. He believed that if the blanks were filled with judgment, the diminution of the revenue, from a diminution in the quantity of imports, would be counterbalanced by the increase in the duties.

The last resolution he had proposed, he said, is, in a manner distinct from the rest. The nation is bound by the most sacred obligation, he conceived, to protect the rights of its citizens against a violation of them from any quarter; or, if they cannot protect, they are bound to repay the damage.

It is a fact authenticated to this House by communications from the Executive, that there are regulations established by some European nations, contrary to the Law of Nations, by which our property is seized and disposed of in such a way that damages have accrued. We are bound either to obtain reparation for the injustice, or compensate the

damage. It is only in the first instance, no doubt, that the burden is to be thrown upon the United States. The proper Department of Government will, no doubt, take proper steps to obtain redress. The justice of foreign nations will certainly not permit them to deny reparation when the breach of the Law of Nations appear evidently; at any rate, it is just that the individual should not suffer. He believed the amount of the damages that would come within the meaning of this resolution would not be very considerable.

Mr. M.'s resolutions being seconded, were presented and read by the Clerk.

Mr. W. SMITH rose to make some remarks on the observations of Mr. MADISON, when a motion was made by Mr. FITZSIMONS, that the Committee should rise, and report progress, and that the House should give order for printing the resolutions.

After some further remarks by two or three members, Mr. MADISON said he had no wish to precipitate the discussion; he was content that the Committee should now rise, and that a future early day should be assigned.

The motion for the Committee's rising being put, was agreed to. The Committee rose accordingly, and reported progress.

A question then occurred as to the day on which the business should be taken into consideration. Next Monday was mentioned.

Mr. AMES proposed next Monday week. He observed that the resolutions involved the greatest interests of this country; that, for himself, he could not possibly be prepared to discuss the subject by Monday next. The Report of the Secretary was incomplete; a supplementary Report had been received from that officer, which had not yet been printed, and he believed that the members were not possessed of a knowledge of its contents; he could speak for himself at least. He further remarked, that the subject required the most mature deliberation of the House. Sudden and hasty decisions might be followed with the most serious effects; they might involve the sacrifice of the essential interests, or the honor of the United States.

Mr. MADISON said, he saw no necessity for a very distant day; the subject was not a new one; it existed previous to the present Government; it had been repeatedly before the Legislature of the United States; it had been amply dilated on in reports and public dissertations; he did not conceive there was a single proposition contained in the resolutions which had not been repeatedly revolved in the minds of every member of the House. He supposed an early discussion would be the most eligible, as the members would, as it proceeded, naturally throw light upon it.

Mr. W. SMITH was in favor of Monday week. He supposed that many documents would be wanted by the members which were not now in the possession of the House. Besides, he observed that, as soon as the present question was got rid of, he should lay before the House sundry resolutions respecting foreign tonnage, which would naturally connect themselves with the re-

H. OF R.]

Pay of Soldiers.

[JANUARY, 1794.]

solutions brought forward by the member from Virginia.

Mr. NICHOLAS was in favor of Wednesday. He wished for an early discussion. He thought the subject would receive more light from the public deliberations of the members themselves, than it would derive from their studies in their chambers; the discussion will be interesting; it cannot be hurried, and no sudden decision need be anticipated from as early a day as Wednesday.

Mr. MURRAY was in favor of Monday week. He differed from the gentleman last up, that a public collision on this or any other subject, was the most probable way to strike out the truth. The calm and dispassionate consideration of propositions at leisure, appeared to him more likely to be succeeded by a just and sound decision. He wished for more time than some gentlemen appeared willing to allow.

Mr. S. SMITH was in favor of Monday week. He enumerated a number of documents which he thought would be found necessary to enable the members to judge with precision. He considered the subject as highly important to his constituents, on which too much deliberation could scarcely be bestowed. It refers to taxes and new impositions on trade, the expediency of which ought to be maturely considered. The object of the propositions are evidently a commercial warfare; this is commonly introductive of another species of contest—a very serious consideration. The gentleman who brought forward the resolutions, had probably matured his ideas on the subject. For his part, he had not; he required more time.

The motion for Monday week being put, was carried by a large majority.

Ordered, That the Secretary of the Treasury report to this House a comparative view of the tonnage employed in the trade between the United States and foreign countries, for the years 1790, 1791, and 1792; also that he report the actual tonnage of vessels of the United States, employed in one year, between the United States and foreign countries.

The House resolved itself into a Committee of the Whole House on the bill providing for destroyed certificates of certain descriptions; and, after some time spent therein, the Committee rose, and had leave to sit again.

MONDAY January 6.

JAMES GILLESPIE, from North Carolina, appeared, produced his credentials, and took his seat in the House.

PAY OF SOLDIERS.

The House resolved itself into a Committee of the Whole House on the bill for completing and better supporting the Military Establishment of the United States. The bill being read,

On the clause of the bill for augmenting the pay of the soldiers from three to four dollars per month, Mr. IRVINE proposed an addition of a fifth dollar,

which seemed to meet the unanimous sense of the members; but Mr. CLARK thought this last augmentation too great. They might, in this way of proceeding, raise the pay in time to ten dollars a month.

Mr. SCOTT was of opinion that there was no just proportion between the wages of ordinary labor and that of military service. He could not hire a workman, who was to sleep at peace in his bed, and to dine at a good table, for the pay that was given to a soldier for enduring the hardships of his dangerous profession. An augmentation of their pay would flatter the troops. It would put them in good humor; and therefore he hoped that the five dollars would be carried through the House.

Mr. SMULIE said, that the expense of living had been considerably raised in every part of the United States. The pay of the soldiers ought, in common justice, to be advanced in an equal degree with that of the other persons employed in the service of the State. Congress had lately received a petition from some gentlemen employed in the public offices of Philadelphia. The officers of the Army had been talking of a similar necessity of an advance in their pay. The United States ought to pay well, that they might obtain good men. Many recruits had, upon late occasions enlisted, and several of them in Philadelphia, who never should have been admitted into the Military Establishment of any nation whatever.

Mr. WADSWORTH did not see any reason for the proposed additional dollar per month. If he had thought it necessary, he should have been very ready to mention it. In the States north of Pennsylvania, the wages of a common laborer were not, upon the whole, superior to those of a common soldier. It had been alleged that, by augmenting the pay of the troops, we should get better men. This was a doctrine which he, for one, did not understand. The present Western Army were as good troops as ever went into the field, and much better than the late Continental Army. Men of a sober character did not and would not enlist. Recruits might have very good morals, and it was certain that many honest men did not love labor. Curiosity, levity, the heat of youth, and other very excusable motives, sent people to the Army; but it never was, nor ever will be, the place where a thoughtful and industrious private man would be ambitious to exert his talents. For this reason, he was convinced that to enlarge the pay would answer no good purpose. As to the militia, who were, many of them, substantial people, it was in vain to imagine that they would fulfil the end of an Army in the Indian war. They had been tried, and the experiment had failed. He again adverted to the impossibility of supplying the ranks with recruits above the most ordinary classes of life. He never had seen an Army, such as it was believed that the additional dollar would assemble, and he despaired ever to see such an Army. There was, however, an act of bounty, which might be of infinite service to the troops, and which he should take a future opportunity of moving. He referred to a provision for the widows

JANUARY, 1794.]

Pay of Soldiers.

[H. OF R.]

and children of such soldiers as should happen to lose their lives in the service.

Mr. BOUDINOT said, that he should be very sorry to recommend the augmentation, if he thought that it would induce farmers, and sober, industrious people to quit their families and professions, in exchange for a military life. This, he thought, would indeed be a very alarming consequence, and, did he apprehend it, he should undoubtedly oppose the intended increase. He had no apprehensions of that kind. America would be in a very bad situation, indeed, if an additional pay of twelve dollars a year could bribe a farmer or manufacturer to enlist. He should look very strange at any of his neighbors who should tell him that they had embraced such an offer. Instead of augmenting the pay, perhaps it was better to add something to the rations; those, for example, of salt and flour. He thought it safest to agree to the four dollars, because if they voted for five, the bill would probably be thrown out of the other House; and thus, by grasping at too much, the movers of the amendment would lose the bill altogether. Originally, troops had been raised for less than two dollars per month. The pay had since been augmented to three, and was now on the way of being raised to four. He wished to make its advances gradual. If we looked at the situations of other countries, and contemplated the state of their finances, we should be convinced that America paid her troops as well in proportion to her ability as any other people in the world, and that her soldiers had no right to complain.

Mr. MONTGOMERY spoke a few words in favor of an advance to five dollars.

Mr. SCOTT said, that Pennsylvania had some time ago raised a few companies of soldiers for her frontier service, and given them two pounds ten shillings currency per month, which was equal to six dollars and two-thirds. In consequence of this, the companies had been filled with some of the most respectable kind of people in the country. They were quite of a different class from the recruits raised for the Western Army. He wished to try the five dollars. This superior pay was reported to have hurt the Continental recruiting service. He thought it very possible that such had been the case. If Government give the proposed five dollars, the Continental Army might, perhaps, get all the levies which it wanted from these very companies.

Mr. HUNTER would have voted for six dollars.

Mr. BEATTY said, that he was for giving five dollars, from a conviction that it was requisite for the service.

Mr. SMILIE was decidedly for the additional augmentation. The recruits, he said, who had been raised in this city were sad fellows, and not fit to be trusted. Better pay would bring forward better men.

Mr. SMITH said that, as to the rate of labor, good men were hired to work in Vermont for eighteen pounds a year, which is equal to four dollars per month, and out of that they find their own clothes. He thought it a very dangerous plan to raise the wages of soldiers at this time,

when every article was above its natural price; because, when things return to their old level, it would be impossible to reduce their wages. The people of Europe had, by their wars, increased the demand for the produce of our farms, and this had raised the wages of labor. The members of Congress had six dollars per day, and it would be no easy matter to alter that, which he seemed to hint might not be quite improper. He thought that high pay would only serve to make the soldiers get drunk. It would be much better to give them some substantial gratification at the end of the service.

Mr. WADSWORTH said that the Army, in getting four dollars, got plenty, and he despaired of seeing five dollars pass through that House; but, were they to vote twenty dollars, they never would be able to enlist that class of men whom it was expected five dollars would collect. A member had mentioned, as a proof of the possibility of enlisting the sons of farmers, the instance of a party in one of the New England States, who had formed themselves into a military body, and had gone westward in quest of a settlement, but were cut to pieces by the Indians. He knew this, and he had likewise heard of others who had since gone from the same quarter, and upon the same errand. He had inquired about their characters, and had found, just as he had expected, that they were very honest, good sort of people, but somewhat of a rambling disposition, and not remarkably industrious. As to the notion of enlisting men, and attaching them to their country, by five dollars a month, it would not do. The old Continental Army were very good soldiers, but certainly some of them did not fight for the sake of their country, since they deserted by scores. They were, however, brought back, and fought very well. Their reasons for deserting, he did not pretend to know; but this he knew, that they were very idle and very worthless fellows, which did not hinder them from doing their duty. Mr. W. added, that it was a mistake to propose giving five dollars a month for fear that we should not be able to get recruits. In a short time our communication by sea would be cut off. We would likewise be prevented from emigrations into the back country. Recruits would then be had in the greatest abundance for four dollars a month, as great numbers of people would then be thrown out of employment, and enlist for want of it.

The amendment to the bill, of adding two dollars instead of one, was rejected.

Mr. CLARK then moved, as an amendment of the bill, that there should be an addition of four ounces of bread or flour, and four ounces of meat to each ration.

Mr. HARTLEY was for augmenting the rations. He knew that they were too small. In cultivated countries they might do, but not in the back woods, where vegetables were not to be had.

Mr. WADSWORTH was convinced that the rations were sufficient, unless on a march. He spoke, he said, from experience.

Mr. GILES had been frequently informed by officers in the Army, that the rations were all de-

H. OF R.]

Flag of the United States.

[JANUARY, 1794.]

fective. In the back woods, the soldiers had been often reduced to such distress for want of vegetables, as to go in search of acorns to supply their place.

Mr. FITZSIMONS said, that he had been informed that the principal objection to the rations was the inferior quality of the meat, and that this arose from the leanness of the cattle, as being exhausted by hard driving. Instead, therefore, of a regular increase, it might perhaps be better to provide for accidental contingencies.

Mr. MURRAY moved, and his motion was seconded, to amend the amendment by striking out the words, and "four ounces of meat."

Mr. SMITH said, that an aid de-camp, who was his relation, and now serving in the Army, had wrote him that they were just now well fed, well clothed, in good health, and as good spirits as an Army had ever enjoyed. The reason of the common rations of provisions failing in a march, was owing to the waste in cooking. The amendment of Mr. CLARK, and the additional amendment of Mr. MURRAY, were both withdrawn.

The Committee now rose and reported the amendment, and the bill and amendment were ordered to lie on the table.

Resolved. That a committee be appointed to report whether any, and what, alteration ought to be made in the ration now allowed to the troops of the United States; and that Mr. IRVINE, Mr. DEARBORN, and Mr. HEISTER, be the said committee.

TUESDAY, January 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you an official statement of the expenditure to the end of the year one thousand seven hundred and ninety-three, from the sum of ten thousand dollars, granted to defray the contingent expenses of Government, by an act passed on the twenty-sixth of March, one thousand seven hundred and ninety.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

The said Message and statement were read, and ordered to lie on the table.

Another Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate
and of the House of Representatives:*

Experience has shown that it would be useful to have an officer particularly charged, under the direction of the Department of War, with the duties of receiving, safe-keeping, and distributing the public supplies, in all cases in which the laws and the course of service do not devolve them upon other officers; and also, with that of superintending, in all cases, the issues in detail of supplies, with power for that purpose to bring to account all persons intrusted to make such issues in relation thereto. An establishment of this nature, by securing a regular and punctual accountability for the issues of public supplies, would be a great guard against abuse, would tend to insure their due application, and to give public satisfaction on that point.

I therefore recommend to the consideration of Congress the expediency of an establishment of this nature, under such regulations as shall appear to them advisable.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

The said Message was read, and ordered to lie on the table.

Resolved, That it be an instruction to the committee appointed on Thursday last, on the subject of the Algerine communications, that they prepare and report to the House an estimate of the expense that will be requisite to place the principal seaports and harbors of the United States in a state of defence.

Ordered, That the Report of the Secretary of the Treasury, of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-four, which was made on the twenty-third ultimo, be committed to a Committee of the Whole House on Thursday next.

Mr. TRUMBULL, from the committee appointed to prepare and report such Standing Rules and Orders of proceeding as are proper to be observed in this House, made a report; which was read, and ordered to lie on the table.

FLAG OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act making an alteration in the Flag of the United States."

Mr. GOODHUE thought it a trifling business, which ought not to engross the attention of the House, when it was their duty to discuss matters of infinitely greater consequence. If we are to alter the Flag from thirteen to fifteen stripes, with two additional stars, because Vermont and Kentucky have been added, we may go on adding and altering at this rate for one hundred years to come. It is very likely, before fifteen years elapse, we shall consist of twenty States. The Flag ought to be permanent.

Mr. LYMAN was of a different opinion. He thought it of the greatest consequence not to offend the new States.

Mr. THATCHER ridiculed the idea of being at so much trouble, as a consummate specimen of frivolity. At this rate, every State should alter its public seal when an additional county or township was formed. He was sorry to see the House take up their time with such trifles.

Mr. GREKUR considered it of very great consequence to inform the rest of the world that we had now two additional States.

Mr. NILES was very sorry that such a matter should even for a moment have hindered the House from going into more important affairs. He did not think the alteration either worth the trouble of adopting or rejecting; but he supposed that the shortest way to get rid of it was to agree to it, and for that reason, and no other, he advised to pass it as soon as possible.

The Committee agreed to it, and the Chairman reported the bill. The House then took it up.

JANUARY, 1794.]

Proceedings.

[H. OF R.]

Mr. BOUDINOT thought it of consequence to keep the citizens of Vermont and Kentucky in good humor. They might be affronted at our rejecting the bill.

Mr. GOODHUE said, he felt for the honor of the House, when spending their time on such sort of business. But, since it must be passed, he had only to beg this favor, that it might not appear upon the journals, and go into the world as the first of the bills passed this session.

Mr. MADISON was for the bill passing.

Mr. GILES thought it very proper that the idea should be preserved of the number of our States, and the number of stripes corresponding. The expense was but trifling, compared with that of forming the Government of a new State.

Mr. SMITH said, that this alteration would cost him five hundred dollars, and every vessel in the Union sixty. He could not conceive what the Senate meant by sending them such bills. He supposed that it must be for want of something better to do. He should indulge them, but let us have no more alterations of this sort. Let the Flag be permanent.

It was ordered that the bill be read a third time to-morrow.

A motion was then made for publishing the resolutions of the House concerning the Algerine business.

Mr. WADSWORTH recommended publicity. He said that their talking so much about secrecy made the world believe they really had a secret, when in fact they had none. It reminded him of a story in the last war. They intended a secret expedition into Canada; but unluckily they let a clergyman into the story, and he next Sunday offered up his prayers from the pulpit for its success, which put an end to it. The House agreed to the publication of the resolutions.

Resolved, That the injunction of secrecy imposed by the House, so far as relates to the resolutions agreed to on Thursday last, on the subject of the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines, be removed, and that the said resolutions be published.

Ordered, That a committee be appointed to select such parts of the PRESIDENT's Communications, respecting the Regency of Algiers, as his Letter, accompanying said Communications, suggests it would be proper to keep secret, and that they report the same to the House.

Ordered, That a committee be appointed to prepare and bring in a bill for regulating Pilots in the bay and river Delaware, and for the establishment and support of light-houses, beacons, buoys, and public piers; and that Mr. WILLIAM SMITH, Mr. FITZSIMONS, and Mr. HILLHOUSE, be the said committee.

making an alteration in the Flag of the United States," was read the third time.

Mr. B. BOURNE moved that it should be referred to a select committee.

Mr. WATTS seconded the motion. He said his object was, to have a clause added to establish the Flag of the United States, so that in case of new accessions to the Union, future applications for alterations may be precluded; he added, that he supposed the title of the bill, should the amendment he proposed take place, ought to be a bill to *establish* the Flag of the United States.

The motion for a reference to a select committee being put, was negatived—49 to 39.

Mr. W. then moved that the bill should be re-committed to the Committee of the Whole, for the purpose of introducing a clause to fix, for ever, the Flag of the United States. This motion was lost.

And, on the question that the bill do pass, it was resolved in the affirmative—yeas 50, nays 42, as follows:

YEAS.—James Armstrong, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Caines, Gabriel Christie, Thomas Claiborne, William J. Dawson, Henry Dearborn, George Dent, Samuel Dexter, William Findley, William B. Giles, Christopher Greenup, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Heath, Daniel Heister, John Hunter, William Irvine, William Lyman, Nathaniel Macon, James Madison, Joseph M'Dowell, William Montgomery, Andrew Moore, Peter Muhlenburg, William Vans Murray, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickins, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Samuel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAVS.—Fisher Ames, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit Isaac Coles, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Hillhouse, Samuel Holten, Amasa Learned, Richard Bland Lee, Mathew Locke, Francis Malbone, Alexander Mebane, Joseph Neville, John S. Sherburne, Jeremiah Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Guesbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

Mr. IRVINE, from the committee appointed to report whether any, and what, alteration ought to be made in the ration now allowed to the troops of the United States, made a report; which was read, and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House on the bill providing for destroyed certificates of certain descriptions; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

WEDNESDAY, January 8.

The bill sent from the Senate, entitled "An act

THURSDAY, January 9.

MILITARY ESTABLISHMENT.

It was then moved, that the House proceed to consider the bill for the better support of the Military Establishment of the United States. Agreed to.

The Clerk then read an amendment agreed to by the Committee of the Whole House, as to granting ——— years of half-pay to the widows and orphans of such soldiers as die in the service of the United States.

Mr. BEATTY then moved a second amendment, which was, in substance, that an addition to the pay at present given to the non-commissioned officers and soldiers, that, for those hereafter enlisted, a certain sum per month shall be allowed, and reserved, and be given to him at the time of his discharge; and if he dies, before the end of his service, the money shall be paid to his representatives. Mr. B. also wished this gratuity to be unalienable, that a non-commissioned officer or soldier might not be tempted to dispose of it beforehand, for less than its value, and thereby disappoint the benevolent design of the House.

Mr. WADSWORTH proposed to add, as an amendment, the word *officers*, before the words "non-commissioned officers and soldiers." He said, that the officers were more depressed than the soldiers, which was known to the whole country.

Mr. SMITH could not consent to this amendment, without better information than any which he yet had.

Mr. SCOTT said, that he could not believe that the officers of the Army were in a state of depression. He, at this time, could mention forty applications for military commissions. There were great numbers of country gentlemen who would be glad to get them. It was the private men who wanted encouragement.

Mr. SMILIE thought that the amendment of Mr. WADSWORTH, upon the amendment of Mr. BEATTY, came in awkwardly in this place. He was friendly to the general ideas, but disliked the mode.

Mr. BOUDINOT moved to strike out the words *hereafter enlisted*, and to apply the bounty to every non-commissioned officer and soldier in the service. There was no good reason for such a material distinction between the old soldiers and the new levies. The amendment would then meet his wishes.

Mr. WADSWORTH withdrew his amendment upon the amendment, and the original amendment of Mr. Watts, with the bill, was referred to a select committee.

Ordered, That the said bill, with the amendment, be re-committed to MESSRS. BEATTY, IRVINE, JEREMIAH WADSWORTH, DEARBORN, and VAN GAASBECK.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House, to the bill providing for destroyed certificates of certain descriptions: whereupon,

Ordered, That the said bill, with the amendments,

be re-committed to MESSRS. GILES, DEXTER, SHEAR-JASHEB BOURNE, LEE, and CLARK.

The House resolved itself into a Committee of the Whole House on the report of the Secretary, of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was read, and ordered to lie on the table.

Resolved, That this House will, to-morrow, again resolve itself into a Committee of the Whole House on the said report.

FRIDAY, January 10.

ESTIMATES OF APPROPRIATIONS.

The House then went into a Committee of the Whole, on the statements and estimates of appropriations for the current year, 1794.

Mr. GILES suggested several reasons for separating the items and the estimate of appropriations for the Civil List, and for discharging the current expenses of Government, from the articles designated for other purposes. He moved the House to take up the resolution agreed to by the Whole House yesterday, and make it the subject of a separate bill.

Mr. MADISON said, that members had been reduced to the most serious difficulties by the delays in the payment of their salaries. The Civil List ought always to have a fund provided for it in the first place, because it was a mere matter of form to put it to a vote. It was otherwise with the Military Establishment. He trusted that would never be reduced to a mere form.

Mr. NICHOLAS supported the motion of Mr. GILES. He thought that the House should immediately pass a bill for establishing a provision for the expenses of the members of Congress. It was not fair to suppose that every gentleman in that House came to town with as much money in his pocket as would clear his expenses. Why put any person to pecuniary inconvenience when at a distance from his resources? The accounts ought to be kept distinct.

Mr. FITZSIMONS and Mr. BOURNE remarked, that the next article in the estimates was so blended with the preceding that they must be comprehended in one.

On this, Mr. NICHOLAS withdrew his second to the motion, and the House went into a Committee of the whole, Mr. TRUMBULL in the Chair.

Mr. BOUDINOT moved a resolution covering the next article in the estimate. The item providing for the clerks in the Loan Offices, being objected to, was passed over for the present.

Mr. GILES then moved, that the Committee do now rise. The motion was seconded by Mr. NICHOLAS, and supported by Mr. MADISON.

The resolution moved by Mr. BOUDINOT, that \$107,693 43, be appropriated for sundry purposes, was agreed to. The Committee then rose, and the House, after some consideration, adopted the resolutions.

JANUARY, 1794.]

French Emigrants from St. Domingo.

[H. OF R.]

Mr. GILES then moved, that a committee should be appointed, to prepare and bring in a bill for that purpose. This was agreed to, and a committee named.

Resolved, That, for the expenditure of the Civil List of the United States, for the year one thousand seven hundred and ninety-four, together with the incidental and contingent expenses of the several Departments, and offices thereof, there be appropriated the several sums of money following, to wit:

[Here follows an enumeration of the different items.]

The House then again resolved itself into a Committee of the Whole House, on the said report; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and come to a resolution thereupon, which he delivered in at the Clerk's table, where the same was twice read, and agreed to by the House, as follows:

Resolved, That, for making good deficiencies for the support of the Civil List Establishment; for aiding the Fund appropriated for certain officers of the Court, jurors, and witnesses; for the support of light-houses, and for other purposes, there be appropriated the several sums of money following, to wit:

[Here the items are enumerated.]

Ordered, That a bill or bills be brought in pursuant to the said resolution, and the resolution for the expenditure of the Civil List; and that Mr. BOUDINOT, Mr. TRUMBULL, and Mr. GILLESPIE, do prepare and bring in the same.

Mr. NICHOLAS, from the committee appointed to select such parts of the President's Communications, respecting the Regency of Algiers, as his Letter, accompanying the said Communications, suggests it would be proper to keep secret, made a report; which was read, and ordered to lie on the table.

Ordered, That the Message from the President of the United States, of the 7th instant, respecting the appointment of an officer for receiving, safe-keeping, and distributing, the public supplies, under the direction of the War Department, which lay on the table, be referred to Mr. HARTLEY, Mr. BEATTY, and Mr. SWIFT; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

FRENCH EMIGRANTS FROM St. DOMINGO.

Mr. SAMUEL SMITH, from the committee to whom was referred the petition of William Patterson, Samuel Sterrett, and Gustavus Scott, the committee appointed by the Legislature of Maryland to draw and distribute the moneys granted by that State for the relief of the French emigrants from the Island of St. Domingo, made a report:

Mr. S. SMITH said, that there never was a more noble and prompt display of the most exalted feelings, than had been exhibited on this occasion. He believed that such a scene of distress had never before been seen in America. Three thousand fugitives had been at once landed, without

the least previous expectation of their arrival. The whole inhabitants instantly assembled, and deputed a committee, of which he was one, to go on board the vessels, and examine their situation. Thirteen thousand dollars were instantly subscribed. Fifteen hundred of these people were quite helpless; three hundred and fifty of them were old men, or women without their husbands, or children without their parents. Some had credit, and some had not. Five hundred of them had been sent to France by the Minister, at the expense of the Republic; the rest remain in this country.

[It was then moved, that the report of the Relief Committee be read a second time; which being done, it was moved that this report be taken up by a Committee of the Whole House.]

Mr. S. SMITH was for proceeding instantly to decide on the subject.

Mr. NICHOLAS hoped that the motion would be deferred to another day. He felt a difficulty in this matter, because it was entirely new to him; he had not yet formed his mind upon it. He suspected that, to bestow the money of their constituents on an act of charity, though it would be extremely laudable, was yet beyond their authority. They had been sent to this House with limited powers, and for special purposes. He would be extremely happy to vote for the relief of the fugitives of Cape Francois, if, upon reflection, he found it Constitutional. He therefore wished to delay a determination, until he had leisure to form a deliberate opinion on the subject.

Mr. CLARK never had entertained a moment's hesitation that relief should be given.

Mr. S. SMITH, to prove that there was no illegality in bestowing the assistance wanted, read a passage in the despatches that had been printed, addressed by our Executive Government to the American Minister at Paris, stating that they had thought themselves authorized to advance money, for the immediate support of the fugitives. From this proceeding, he inferred, that Congress might lawfully do the same. He mentioned the obligations that this country lay under to France, which he hoped would never be forgotten. He enlarged considerably on the generosity of the citizens of Baltimore. He imagined that, in this affair, the American nation had exerted a degree of generosity unparalleled in the history of any other people.

Mr. MADISON wished to relieve the sufferers, but was afraid of establishing a dangerous precedent, which might hereafter be perverted to the countenance of purposes very different from those of charity. He acknowledged, for his own part, that he could not undertake to lay his finger on that article in the Federal Constitution which granted a right to Congress of expending, on objects of benevolence, the money of their constituents. And if once they broke the line laid down before them, for the direction of their conduct, it was impossible to say to what lengths they might go, or to what extremities this practice might be carried. He did not agree with the member who spoke last, that nothing like the generosity of

H. OF R.]

French Emigrants from St. Domingo.

[JANUARY, 1794.]

America had ever been heard of before. As one example in contradiction to this assertion, he mentioned, that when the city of Lisbon had, in 1755, been overwhelmed by an earthquake, the Parliament of England instantly voted one hundred thousand pounds for the support of the sufferers. In doing this, they had, he believed, acted in unison with the feelings of the British nation, and such feelings did that nation the utmost honor. He likewise imagined, that the Parliament had acted agreeably to the British Constitution, which allowed them an indefinite and absolute right in disposing of the money of their constituents. But as to the American Congress, the case was widely different. He was satisfied that the citizens of the United States possessed an equal degree of magnanimity, generosity, and benevolence, with the people of Britain, but this House certainly did not possess an undefined authority correspondent with that of a British Parliament. He wished that some other mode could be devised for assisting the French sufferers than by an act of Congress. He was in hopes that some other mode, equally effectual, and less exceptionable, might be devised. As to what our executive Government had already done, as quoted from the official despatches by the gentleman who spoke last, the inference did not apply; for in that emergency, a delay would have been equivalent to a total denial. It had been said, that we owed the French every sentiment of gratitude. It was true; but it was likewise true that we owed them something else than sentiments, for we were indebted to them a very large sum of money. One of the instalments of that debt would be due in a short time, and perhaps it might be safest for Congress to advance the sums now wanted for the French refugees, in part of that debt, and leave it to the decision of the French Ministry whether they would accept of such a payment or not. He did not wish to press this expedient upon the House, but he begged leave to submit it to their consideration; and as he had not yet been able to resolve in his own mind what line of conduct the House ought to pursue, he requested that the discussion of the question might for a short time be deferred.

Mr. CLARK wished that the gentleman who spoke last would be careful of preserving consistency. It was only a few days ago that he had laid before the House a resolution, by which Congress were to indemnify all such citizens of the United States as had suffered losses by the British pirates. He supposed that for this, there would be found as little authority in the articles of the Constitution, as for relieving the fugitives from Cape Francois.

Mr. MADISON, in explanation, replied, that the two cases were widely different. The vessels of America sailed under our flag, and were under our protection, by the law of Nations, which the French sufferers unquestionably were not. As to the resolution he had proposed, it was not then before the House, and hence he could not speak to it with propriety. It was very possible that the House might find it wrong, and reject it. He wished not to be misunderstood, for he was sure

that every member in that House felt the warmest sympathy with the situation of the sufferers. He would be very glad to find a proper way for their relief.

Mr. NICHOLAS said, that he had not been able to discover upon what authority the House were to grant the proposed donation. If the question should that day come to a vote, which he trusted it would not, he had resolved to give his voice in favor of the sufferers: but, when he returned to his constituents, he would honestly tell them that he considered himself as having exceeded his powers, and so cast himself on their mercy. He felt many obstacles to voting away this money without further deliberation.

Mr. BOUNDNOT declared, that he had never been able to discover any difficulty in the matter. By the law of Nature, by the law of Nations—in a word, by every moral obligation that could influence mankind, we were bound to relieve the citizens of a Republic who were at present our allies, and who had formerly been our benefactors. He could not for a moment endure the idea of a hesitation on such a question. When a number of our fellow-creatures had been cast upon our sympathy, in a situation of such unexampled wretchedness, was it possible that gentlemen could make a doubt whether it was our duty to relieve them? It had been said that the House was not, by the Constitution, authorized to give away money for such purposes. He was satisfied, that to refuse the assistance requested, would be to act in direct opposition both to the theory and practice of the Constitution. In the first place, as to the practice, it had been said that nothing of this kind had ever occurred before under the Federal Constitution. He was astonished at such an affirmation. Did not the Indians frequently come down to this city, on embassies respecting the regulating of trade, and other business—and did not the Executive, without consulting Congress at all, pay their lodgings for weeks, nay for whole months together? and was not this merely because the Indians were unable to pay for themselves? Nobody ever questioned the propriety of that act of charity. Again; when prisoners of war were taken, there was no clause in the Constitution authorizing Congress to provide for their subsistence: yet it was well known that they would not be suffered to starve. Provision was instantly made for them, before we could tell whether the nation to whom they belonged would pay such expenses, or would not pay them. It was very true that an instalment would soon be due to France, nor did he object to reimbursement in that way, if it could be so obtained. But, in the mean time, relief must be given, for he was convinced that we had still stronger obligations to support the citizens of our allies than either Indians or prisoners of war. In the second place, as to the theory of the Constitution, he referred gentlemen to the first clause of the eighth section of it. By that clause Congress were warranted to provide for exigencies regarding *the general welfare*, and he was sure this case came under that description.

Mr. FITZSIMONS thought that it would be ex-

pedient to lose as little time as possible in going into the Committee. It was hard on the State of Maryland to support of itself such an immense number of people. Besides, the period for which that State had engaged to furnish them with subsistence was expiring; so that it was absolutely necessary to come to an early decision whether the House would assist them or not. Mr. Genet had made a discrimination among the sufferers: some of them he had promised to assist, and others, as *aristocrats*, he had disowned altogether.

Mr. DEXTER read the clause referred to by Mr. BOUNDINOT, but could not draw from it any such inference. He was very unwilling to vote against the proposition, and therefore solicited a delay, that he might have leisure to find proper reasons for voting in its favor.

Mr. GILES was averse to precipitation in an affair of such magnitude. The report had been read for a first time to-day; it had then been read for a second time to-day. As if all this had not been sufficient, the House must likewise go into a Committee this day. Like the gentleman who had just sat down, he felt many doubts as to the legality of such an act of bounty; and he wished, before he gave a vote on either side of the question, to free himself from these doubts. He considered his duty to his constituents as a very solemn trust. Some personal insinuations had been cast out, as if gentlemen who professed Constitutional scruples had wished to embarrass the subject. Reflections of this kind could answer no good purpose. Gentlemen (said Mr. G.) appeal to our humanity. The appeal is out of place. That is not the question; but whether, organized as we are, under the Constitution, we have a right to make such a grant? He did not understand why an application was made to Congress in particular. It would have been made with greater propriety to the Provincial Assemblies, as their power over the purses of their constituents was more extensive than that of this House over the revenues of the United States.

[The motion for the House resolving itself into a Committee immediately was then withdrawn, and the report was committed to a Committee of the Whole on the State of the Union.]

MONDAY, January 13.

PETITION OF THOMAS MANNING.

Mr. SHERBURNE called up the petition of Thomas Manning, presented last week. He observed that the facts set forth in the petition were established by documents which accompanied it. That the petition originated in a contract made by the petitioner with an agent of the French Government in Martinique; that, although that Government had recognised the powers of their agent, and the performance of the services which were the ground of the contract, they had refused to fulfil it, but by a payment of assignats, instead of specie, which had been particularly specified. He observed, had the contract been made with an individual, a pro-

cess in a Judicial Court would have procured an indemnity, but it was with a nation, over which Judicial Courts had no control; the petitioner, therefore, could derive no redress but from the justice of his country, which was bound to protect the rights of its citizens in all cases, and when it could not prevent an injury, it ought to repair the damage. That this, in the present case, might be done with a moral assurance of a reimbursement, as it would be a just article of charge in the account of the United States against France, to which justice must cheerfully give its sanction, and which in happier times, that Government will undoubtedly allow. That, as the justice of the demand was confessed, indemnifying the petitioner would be advancing a payment for France, for which her credit and honor were pledged, but which the present situation of that country would not at present allow her to make; but, Mr. S. observed, that as the case was of the first impression, and he wished there might be a thorough investigation of principles as well as facts, he moved that the petition, with the documents accompanying it, might be referred to the Secretary of State. This motion was agreed to.

The SPEAKER laid before the House a Report of the Secretary of the Treasury, of a statement of the actual tonnage of American vessels employed in the commerce between the United States and foreign countries, for one year, ending the thirtieth of September, one thousand seven hundred and ninety-two, pursuant to the order of this House, of the third instant; which was read, and ordered to lie on the table.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States, in foreign countries. When

Mr. SMITH, of South Carolina, rose and addressed the Chair as follows:

Mr. Chairman:—Among the various duties which are assigned by the Constitution to the Legislature of the United States, there is, perhaps, none of a more important nature than the regulation of commerce, none more generally interesting to our fellow-citizens, none which more seriously claims our diligent and accurate investigation.

It so essentially involves our navigating, agricultural, commercial, and manufacturing interest, that an apology for the prolixity of the observations which I am about to submit to the Committee, will scarcely be requisite.

In the view which I shall take of the question, disengaging the inquiry from all topics of a political nature, I shall strictly confine myself to those which are commercial, and which alone are, in my judgment, properly connected with the subject.

Called upon to decide on propositions, merely commercial, and springing from a report, in its nature limited to commercial regulations, it would be as ill-timed, as it would be irregular, to mingle with the discussion considerations of a political

nature. I shall, accordingly, reject from the inquiry every idea which has reference to the Indians, the Algerines, or the Western posts. Whenever those subjects require our deliberations, I shall not yield to any member in readiness to vindicate the honor of our country, and to concur in such measures as our best interests may demand.

This line of procedure will, I trust, be deemed by those gentlemen who follow me, the only proper one, and that the debate will be altogether confined to commercial views; these will of themselves open a field of discussion sufficiently spacious, without the intervention of arguments derived from other sources. It would indeed argue a weakness of ground in the friends of the propositions, and imply a distrust of the merits of their cause, were they compelled to bolster it up with such auxiliaries and to resort for support to arguments, not resulting from the nature of the subject, but from irrelative and extraneous considerations.

The propositions, as well as the report, being predicated upon facts and principles having relation to our commerce and navigation with foreign countries, by those facts and principles, and those alone, ought the propositions stand or fall.

It will not be denied that this country is at present in a very delicate crisis, and one requiring dispassionate reflection, cool and mature deliberation. It will be much to be regretted then, if passion should usurp the place of reason, if superficial, narrow, and prejudiced views should mislead the public councils from the true path of national interest.

The report of the Secretary of State, on the privileges and restrictions on the commerce of the United States in foreign countries is now before the Committee. The tendency of that report (whatever may have been the design of the reporter) appears to be to induce a false estimate of the comparative condition of our commerce with certain foreign nations, and to urge the Legislature to adopt a scheme of retaliating regulations, restrictions, and exclusions.

The most striking contrast which the performance evidently aims at, is between Great Britain and France. For this reason, and as these are the two Powers with whom we have the most extensive relations in trade, I shall, by a particular investigation of the subject, endeavor to lay before the Committee an accurate and an impartial comparison of the commercial systems of the two countries in reference to the United States, as a test of the solidity of the inferences which are attempted to be established by the report. A fair comparison can only be made with an eye to what may be deemed the permanent system of the countries in question. The proper epoch for it, therefore, will precede the commencement of the pending French Revolution.

The commercial regulations of France during the period of the Revolution have been too fluctuating, too much influenced by momentary impulses, and, as far as they have looked towards this country with a favorable eye, too much manifesting an object of the moment, which cannot be

mistaken to consider them as a part of a system. But though the comparison will be made with principal reference to the condition of our trade with France and Great Britain, antecedent to the existing revolution, the regulations of the subsequent period will perhaps not be passed over altogether unnoticed.

The table,* which I have before me, comprises the principal features of the subject within a short compass. It is the work of a gentleman of considerable commercial knowledge, and I believe may be relied on for its correctness. An attentive reference to it will, with some supplementary remarks, convey a just conception of the object, a view to conciseness and simplicity has excluded from it all articles (the production and manufactures of the United States) which are not of considerable importance.

Accustomed as our ears have been to a constant panegyric on the generous policy of France towards this country in commercial relations, and to as constant a philippic on the unfriendly, illiberal, and persecuting policy of Great Britain towards us in the same relations, we naturally expect to find in a table which exhibits their respective systems, numerous discriminations in that of France in our favor, and many valuable privileges granted to us, which are refused to other foreign countries, in that of Great Britain frequent discriminations to our prejudice, and a variety of privileges refused to us which are granted to other foreign nations. But an inspection of the table will satisfy every candid mind, that the reverse of what has been supposed is truly the case—that neither in France nor the French West Indies, is there more than one solitary and important distinction in our favor, (I mean the article of fish oil,) either with regard to our exports thither, our imports from thence, or our shipping; that both in Great Britain and the British West Indies, there are several material distinctions in our favor, with regard both to our exports thither and to our imports from thence, and, as it respects Great Britain, with regard also to our shipping; that in the market of Great Britain, a preference is secured to six of our most valuable staples, by considerable higher duties on the rival articles of other foreign countries; that our navigation thither is favored by our ships, when carrying our own productions, being put upon as good a footing as their own ships, and by the exemption of several of our productions, when carried in our ships, from duties which are paid on the like articles of other foreign countries carried in the ships of those countries; and that several of our productions may be carried from the United States to the British West Indies, while the like productions cannot be carried thither from any other foreign country; and that several of the productions of those countries may be brought from thence to the United States, which cannot be carried from thence to any other foreign country.

These important differences in the systems of the two countries will appear more fully, by pass-

* Vide table annexed.

ing in review each article, and presenting, at the same time, the remarks which it will suggest.

EXPORTS.

1. *Flour*.—This article, on its importation into France, was subject to a duty of one-eighth per cent. ad valorem. Since the commencement of the Revolution it has been, with all other foreign flour, made free. Here is no distinction for or against us.

In Great Britain, it was, and is, like other foreign flour, subject to a duty so high as in ordinary times to be prohibitory; this duty is 24s. 3d. per quarter, until the price of British flour rises as high as fifty shillings, when a duty of sixpence only is payable.

It enjoys the right of deposit, with the privilege of exportation, duty free, and with the option of waiting till the market prices give effect to the low duties. There is no distinction for or against us. The same system applies generally to grain.

The ordinary state of things renders the result of both systems the same to us. In neither country is our flour saleable with advantage but in times of particular scarcity; in Great Britain, because the duty prevents an advantageous competition, except in such times; in France, because the capacity of that country to supply herself is such, that we cannot, in common cases, afford to sell our flour in her market. The average price of flour in France, in times of tranquility and common plenty, may be stated at five dollars and two-thirds of a dollar per barrel of Pennsylvania. This, computing the price at which flour has been for a number of years past in Pennsylvania, would not pay freight and charges, taking the average here, at four dollars and two-thirds (the charges, including freight and insurance, being about one dollar and two-thirds) the price, to pay freight, ought not to be less than six dollars and a third.

The conclusion is, that neither France nor Great Britain is to be considered as a valuable market for the flour of the United States.

If an authority, respectable on that point, I mean the report of a committee of the British Privy Council, may be trusted (which declares an increasing incompetency for self supply on the part of Great Britain) the chance even is, that Great Britain may prove the better customer of the two for this article, notwithstanding her high duties. That nation discourages the competition of foreign flour with her own in her own market, because she has reason to fear that such competition may supplant her own and injure her agriculture. France does not discourage the competition, because experience has shown her that it cannot turn to her disadvantage; so the United States lay but a trifling duty on the same article, because we know that it cannot come into competition with our own.

In the French West Indies, the introduction of flour from the United States and other foreign countries was prohibited by a standing law. There was no distinction for or against us. The Colonial Government, it is true, had power to make

occasional suspensions with a view to seasons of scarcity, and they have from time to time exercised that power. But the Secretary of State is mistaken, when he says that the general prohibition has been latterly suspended without interruption; unless he refers to a period later than that which he mentions as the point of time to which his report is limited, (namely, the Summer of 1792,) a period in which all systems have been suspended.

There was indeed an arrêt of the Colonial Government of St. Domingo, of May 9th, 1789, which established a partial suspension till August, 1794; but this suspension was confined to a particular and small part of the island, on very special reasons, with cautious guards to intercept its effect with other parts of the island; and it is supposed that even this arrêt was revoked in France.

The real system of France then in regard to this article, and with respect to its West India Colonies, was completely prohibitory.

In the British West Indies, on the contrary, flour from the United States was and is a free article, and with this distinction in our favor, that the flour of any other foreign country cannot be carried thither from such country even in British bottoms.

The comparison therefore between the systems of France and Great Britain, in relation to this article, concludes clearly in favor of Great Britain. In Europe, their systems, though different, from difference of circumstances, terminate nearly in the same point. In the West Indies, the steady, certain, and therefore, the truly important market for us, the system of France aims at the total exclusion of our principal staple; that of Great Britain gives it a free admission, and even a preference.

Authentic statements of the exports of flour from Philadelphia in the years 1786 and 1788 (which I accidentally possess) serve to illustrate the natural operation of the two systems, being applicable to years in which no extraordinary causes changed the common course of the trade.

By these statements it appears that in 1786, the exports were—

	Barrels.
To France - - -	21
To the French West Indies - -	1,808
Total - - -	1,829

To Great Britain - - -	0
To the British West Indies - -	45,118
Total - - -	45,118

In 1788, the exports were—

To France - - -	2,375
To French West Indies - -	235
Total - - -	2,610

II. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

To Great Britain - - -	828
To British West Indies - -	59,938
Total - - -	60,766

In these years the shipments from the same port to other British ports amounted to 6,358 barrels.

The last three or four years present, indeed, a different state of things, as will be shown hereafter. But these having been years of revolution and convulsion, are not such good criteria as those which have been just noticed.

2. *Tobacco*.—This article was under no duty in France; but it was subject to a monopoly of the Farmers General, a circumstance which was a serious impediment to our trade with France in this article, obstructing the enterprise and competition of our own merchants in the markets of that country. There is no distinction for or against the United States.

In Great Britain it was and is subject to a duty of 1s. 3d. per pound on importation, other foreign tobacco paying 3s. 6d. per pound.*

The Secretary of State has omitted to notice this difference. Our tobacco then stood, and, it may be added, still stands upon a better footing in Great Britain than in France.

Here I request the attention of the committee to a principle of importance, which appears to have been overlooked by the Secretary of State, who indiscriminately presents, as a discouragement of our produce, all the internal duties which are laid upon it by foreign nations.

The principle I allude to is this, that it is wholly immaterial to us, what internal duty is laid upon any commodity of ours by a foreign nation, when that nation does not itself raise or make the article, or some other which is a substitute for it, provided the duty be not so high as to render the article too dear for consumption, and an equal duty be laid on the article from other foreign countries. The reason of it is this, that the consumer in such case, who is the subject of the foreign country, pays the duty. Thus the duty we lay on China wares is immaterial to any foreign nation which manufactures it, because we do not ourselves manufacture it, or a substitute for it, and because it extends equally to the same manufacture of all countries.

This remark will not a little abridge the catalogue of grievances which has been exhibited by the Secretary of State. Indeed, if it were not so, what abundant room for recrimination would our revenue code give to all other countries.

Tobacco is an article, in reference either to France or to Great Britain, to which the observation is peculiarly applicable. Neither of those countries raise it themselves. It is one of these objects of fancy and caprice in respect to which a duty most certainly falls on the consumer. The duties, therefore, upon it in Great Britain can be no concern of ours.

* On re-exportation, there is a drawback of the whole duty on our tobacco, but 3d. per pound retained on re-exportation of foreign tobacco.

But it is important to us that nearly a treble duty is laid upon the same commodity from other countries, the difference being a clear bounty upon ours, at the expense of the British consumer, by obstructing that free competition of other countries which always cheapens an article. This difference of duty is very considerable, and, as far as we can furnish a supply of equal quality, must tend to give us a monopoly of the British market. It is the more worthy of attention, since a competitor with us is Portugal, a Power with which Great Britain has always cultivated the closest ties. In the West Indies, the comparison is still in favor of the system of Great Britain. Tobacco was prohibited in the French while it was free in the British West Indies. The result is, that the system of Great Britain, in respect to tobacco the production of the United States, the second in magnitude as an export, was far more favorable to the United States than that of France.

3. *Rice*.—This article was subject in France to one-eighth per cent. ad valorem. There was no distinction for or against us.

In Great Britain there was and is a duty upon it of 7s. 4d. sterling per cwt., while the British East India Company pay 8s. 10d. upon the rice imported by them.

In the French West Indies, rice was subject to a duty of one per cent. ad valorem, with no distinction for or against us. In the British West Indies, it was and is free, with a distinction in our favor, resulting from the prohibition of other foreign rice.

It is not easy to pronounce whether this article stands, on the whole, upon a better footing in the system of France than in that of Great Britain. The difference, if any, is perhaps less material than it may at first sight appear.

However disagreeable the reflection, we have reason to believe that rice will not become the common food of countries where it does not grow, and which raise for themselves an adequate supply of other breadstuff, &c.—a state of things which exists both in France and Great Britain. It will therefore be in those countries essentially an object of luxury, consumed by the richer classes. This position is verified by those parts of the United States which do not grow rice. The duty upon it in Great Britain (there being a higher duty upon that brought from the East Indies by the East India Company) does not, of course, interfere to any considerable extent with its consumption there, because the addition which is made to the price of a luxury of the wealthier classes is no great obstacle to its consumption by them. The probability, then, is, that the consumption of rice in Great Britain is nearly as great as the habits and taste of the country are calculated to render it. The observations made with regard to the duty on tobacco apply to that on rice, though with far less force. Great Britain is not a competitor with us in the production of rice more than tobacco. But the extent of the rule in the application to this case is qualified by the circumstances that rice and other breadstuff are, in certain cases, substitutes for each other, and a duty on the for-

mer may tend to prevent its being consumed in such cases in place of the latter.

In the West Indies, the subject wears a different aspect. Rice there makes a part of the common food. A duty upon it tends to prevent its being such, by letting in cheaper substitutes. This reflection operates in favor of the British against the French system, in respect to the West Indies, there being a duty upon it in the French, none in the British West Indies. But that duty is so light that, from this cause, and its extending to other articles, it ought scarcely to be counted. The prohibition of other foreign rice, however, is a circumstance of some value, assuring to this article from the United States a monopoly of the British West India market.

4. *Woods*.—This article (the fourth in importance as an export) stood and stands on a decidedly better footing in the British than in the French system. In Great Britain it was and is free from duty, while other foreign rival woods are subject not to some small, as the Secretary of State informs us, but to considerable, and, in several instances, high duties. The observations with regard to this difference, as applied to tobacco, apply to this article in full force, with this additional circumstance, that some of the Northern nations could afford to undersell us, were it not for the protection derived from the high duties on their woods.

In the French West Indies, our wood is subject to a duty of one per cent. *ad valorem*, with no distinction for or against us. In the British West Indies it is free, with a distinction in our favor, by the prohibition of other foreign wood. The duty, it is true, is of no great consequence, but it is not so of the prohibition in the British West Indies of all foreign wood, but from the United States.

5. *Fisheries*.—Here the comparison is in favor of France, our salted fish being prohibited both in Great Britain and the British West Indies, while it is permitted in France with a duty of 8 livres per quintal, and in the French West Indies with a duty of 5 livres per quintal. Our fish oil being subject in Great Britain, in common with other foreign oil, to a duty of 18s. 5d. sterling per ton of 252 gallons; in France to a duty of 7 livres 4 sous per barrel of 520 pounds, while other foreign oil is prohibited. This last article is prohibited in the West Indies of both countries. While there is no distinction in the system of Great Britain for or against us, that of France, in respect to fish oil, makes a distinction in our favor. But these differences between the two systems appear greater on a superficial than upon a more accurate view. The principle upon which each proceeds is the monopoly of her own market to the productions of her own fisheries, and the exclusion, as far as possible, of all foreign countries, the United States not excepted. But, in pursuing this principle, a difference of situation creates a difference of measures. Great Britain, able to supply herself, prohibits absolutely all foreign salted fish. France, unable to supply herself, but aiming at it with all her strength, lays high duties upon that article, when produced from foreign fisheries, and bestows

high premiums upon it when produced from her own fisheries. The duties on foreign and the bounties and premiums on her own fish, would amount to a complete prohibition of ours, if her own fisheries had been able to produce a complete supply; but their incapacity to do this has let ours into the French market, in spite of the discouragements upon it. It merits particular attention, that, in reference to this article, the French system conferred upon us no particular privilege or favor. Other foreign salted fish, in foreign bottoms, stood upon the same footing with our fish, in our bottoms.

Great Britain, less able to supply herself with fish oil than with fish, makes a difference in her system. She does not prohibit the article, but lays a prohibitory duty upon it; but her incapacity to supply herself (as in the case of salted fish with France) lets us into her market with our fine oils, in spite of the discouragement upon ours.

So France, to a considerable duty on our article, adds enormous bounties in favor of the same article the produce of her fisheries. The Secretary of State, in his report on the fisheries, has noticed the measures taken by France to erect her own whale fishery on the ruins of that of the United States. Tempting our fishermen to abandon us and settle at Dunkirk, she allows, for every ton of shipping employed, between nine and ten dollars, with some other advantages. If, in the conduct of Great Britain towards us, in this particular, we discern the spirit of a selfish rival, in that of France, in the same particular, we cannot but see the machinations of an insidious friend. The distinction in favor of our fish oil, as compared with other foreigners, is no counterpoise to the general tendency of the French system, which aimed at excluding us finally from the competition in her markets, though it was deemed preferable, till it could have its full effect, that the United States should enjoy the benefit of the competition, in exclusion of an ancient and formidable rival.

To elucidate still more clearly the spirit of the French system, in this particular, the following facts are submitted to the consideration of the Committee:

1. In August, 1784, the *arrêt* giving admission to foreign fish in the West India markets was passed. In September, 1785, another *arrêt* passed, granting a premium of 10 livres per quintal on French fish. Seven days after, so great was their jealousy on this subject, another *arrêt* passed, raising the duty on foreign fish, including that of the United States, from 3 to 5 livres.

2. An *arrêt* of the 29th of December, 1787, grants a right of deposit or storing for six months, in France, to all the productions of the United States, in order to re-exportation, paying only a duty of one per cent. In February following, less than two months after, another *arrêt* passed, excepting from this right all the products of our fisheries, evidently from a jealousy of our interference with the French fisheries.

3. A further explanation of the spirit of the system on this point is to be found in a passage of a

report to the National Assembly, in the year 1789, from the Committees of Agriculture and Commerce. After stating a diminution of the product of the French cod fishery, during the year 1789, the report proceeds thus: "This diminution ought to be attributed to the collusion of the English and Free Americans, who contrived to disappoint the French fisheries by finding means to supply us with their fish, while they eluded the payment of the duty which was imposed on importation, in order to establish a preference in favor of the cod of the French fishery."

6. *Pot and Pearl Ashes.*—The system of Great Britain is evidently more favorable to this production (sixth in importance of the exports of the United States) that the system of France—the former giving a preference to our article by making it free, while the same article from other foreign countries is subject to a duty of 2s. 3d. per cwt.; the latter placing our article on the same footing with that of other foreign countries. The observations I have made with regard to tobacco apply to this article in full force. In the West India possessions of the two countries it is equally prohibited.

7. *Salted Meat.*—The regulations of France with regard to this article (seventh in consequence of our exports) are clearly more favorable than those of Great Britain. France admits both beef and pork into her home market, with a duty of 5 livres per quintal; in her West India markets, she admits beef with a duty of one per cent. ad valorem, and 3 livres per quintal, but prohibits pork. Great Britain prohibits both beef and pork in her home and West India markets. Neither country makes any distinction in this particular for or against the United States.

8. *Indigo.*—This article (eighth in value of our exports) stands upon a decidedly better footing in the system of Great Britain than in that of France. France is herself our competitor in the supply of her own market, and she aims at securing to herself the monopoly of it by adding to the advantage of a superior quality of her own indigo, as asserted by the Secretary of State, the discouragement to ours of double the duty paid on her own. Great Britain admits the article into her home market free of duty. Both countries exclude it from their West India market. Neither make any distinction for or against us.

9. *Live Animals.*—The regulations both of France and Great Britain may be considered as substantially the same in regard to this article; the small duty of one per cent. ad valorem laid by France in the West Indies, while it is free in the British West Indies, being really of no great consequence. Neither country makes any distinction for or against us.

10. *Flaxseed.*—The same may be said of this as of the preceding article. If free in Great Britain, it was subject only to a duty of one-eighth per cent. ad valorem in France. It is prohibited in the West Indies of both countries. There is no distinction in the system of either nation for or against us.

11. *Naval Stores, viz.: Pitch, Tar, Turpen-*

tine, and Rosin.—These articles were more favored by the system of Great Britain than of France. In the latter, they were subject to a duty of two-and-a-half per cent. ad valorem, with no distinction in our favor. In the former, our tar and pitch are subject to a duty of 11s. per last, while tar and pitch of other countries pay 12s. 4d. per last; our turpentine is subject to a duty of 2s. 3d. per cwt., while that of other countries pays 12s. 9d.; our rosin only 1s. 6d. per cwt., that of other countries 2s. 4d. These duties fall under a like consideration as those on tobacco. The duty on our commodity produced in the British Dominions is no detriment to us. The higher duties on the same commodity from other foreign countries are bounties on ours, in common with the same commodity produced in the British possessions. In the French West Indies, these articles were received upon a duty of one per cent. ad valorem equally with the like articles of other foreign countries. In the British West Indies, besides being free, they enjoy the advantage of a prohibition of the foreign articles.

12. *Iron, Bar and Pig.*—In respect to this article, likewise, the system of Great Britain is more favorable than that of France. While in France there is no distinction for or against us, in Great Britain, our iron is free, and that of other countries is subject, bar iron, to a duty of from 56s. 2d. to 67s. 2d. per ton; pig iron, to a duty of 5s. 6d. per ton. It is remarkable that Irish iron pays in Great Britain a duty of 30s. 10d. per ton. Both in the French and British West Indies, the article is prohibited. The Secretary of State, to show the insignificance of the discrimination in our favor, observes, that we do not make enough for our own consumption; but this was not foreseen by Great Britain when the discrimination began, having arisen from the late rapid increase of manufactures of iron. This is evinced by the fact that, in a year, ending 30th September, 1790, our export of iron to Great Britain amounted to \$81,612.

The foregoing remarks establish clearly that the principal productions of this country, generally speaking, are more favored by the British than by the French commercial system.

Here it may be proper to show the amount of the several articles which have been the subject of inquiry exported to the respective dominions of those countries for the period of one year, ending 30th September, 1790:

To the Dominions of France.

Articles.	France.	West Indies.
Flour	\$392,341	\$1,090,854
Grain	202,872	77,920
Tobacco	384,642	43,104
Rice	156,461	166,465
Wood	110,864	265,175
Salted fish	1,106	609,106
Fish oil	91,298	14,714
Pot and pearl ashes	20,720	
Salt meats	14,109	304,345
Indigo	10,897	1,752
Live stock		352,795

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

To the Dominions of France—Continued.

Articles.	France.	West Indies.
Flaxseed - - -	3,290	
Naval stores - -	3,169	4,197
Iron - - -	1,525	623
Total - - -	1,393,286 3,031,050	3,081,050
To French Dominions	4,424,338	

To the Dominions of Great Britain.

Articles.	Great Britain.	West Indies.
Flour - - -	\$676,271	\$858,006
Grain - - -	411,566	273,505
Tobacco - - -	2,754,493	22,816
Rice - - -	773,852	180,087
Wood - - -	240,174	382,481
Salted fish - - -	10	7,189
Fish oil - - -	81,048	124
Pot and pearl ashes - -	747,078	
Salt meats - - -	898	6,659
Indigo - - -	473,830	5,700
Live stock - - -	—	62,415
Flaxseed - - -	219,924	
Naval stores - - -	190,670	6,162
Iron - - -	81,612	600
Total - - -	6,651,425 1,806,744	1,805,744
To British Dominions	8,457,173	

The total amount of exports to the British and French Dominions, for three years successively, is as follows:

To the Dominions of Great Britain	\$9,246,606 00
To the Dominions of France	4,668,902 00
Excess of exportation to the Dominions of Great Britain	4,577,704 00

For a year ending 30th September, 1791.

To the Dominions of Great Britain	\$7,953,418 21
To those of France	4,298,762 26
Excess of exports to the Dominions of Great Britain	3,654,655 95

For a year ending 30th September, 1792.

To the Dominions of Great Britain	\$8,269,465 00
To those of France	5,243,543 00
Excess to Great Britain	3,025,922 00

Thus it appears that our exportations to the British Dominions, upon an average of three years, have exceeded those to the French Dominions, in the very considerable sum of \$3,752,760 annually. To judge from the fact of our exportations, whether viewed in the detail, according to the table of particular articles, or by the aggregate, for three successive years, established by official documents,

there would be no hesitation to pronounce that Great Britain is a more important customer to us than France, not much short, indeed, of the ratio of two to one. But the Secretary of State informs us, "that the greatest part of what she receives from us is re-exported to other countries, under the useless charges of an intermediate deposit and double voyage." The accuracy of this assertion may justly be questioned. It is probably, in a great measure, founded on the statements of Lord Sheffield, without a proper allowance for the change of circumstances. Admitting those statements to be correct, they are no standard for the present state of things. It is known, that, at the period to which they relate, Great Britain had a monopoly of our trade; that we could not, generally speaking, carry our commodities to other countries. Of course, she became an intermediary between us and them, and her re-exportations of our commodities must have been very considerable. But, having had, since the establishment of our independence, free access to other countries, Great Britain has ceased to be an intermediary between them and us, except in those cases in which the direct relations of commerce between us and certain countries render it less convenient to carry our commodities ourselves directly to them, than to use Great Britain as an *entrepôt*. This, however, is a case of limited extent. For the most part, we carry on a direct commerce with the different countries of Europe. Any rule, drawn, then, from the state of things prior to our Revolution, would be entirely false, in reference to the actual state of things. We may, therefore, venture boldly to question the accuracy of the Secretary of State's assertion, as he does not furnish us with the data on which it is grounded, as, from the nature of the thing, it is not probable that any satisfactory ones were possessed by him; and it is improbable, on a general view, that so large a proportion as he supposes is re-exported. But we may satisfy ourselves further, by a more particular view, of the error of his conjecture. The same authority from which, I presume, his suggestions are derived, "that, before the war, one-third of our indigo and three-fourths of our tobacco and rice, carried to Great Britain, were re-exported," informs us that "most, if not all our other articles were consumed there."* A document,† before referred to, informs us, in addition, that the average of imports into Great Britain, for six years, ending in 1774, from the United States, was, annually - £1,752,142. That the average of six years, ending in 1789, was - 908,636 constituting an annual decrease of - £843,056 nearly half of the whole amount of former exports.

The same document accounts for this difference by stating that the decrease of imports of rice and tobacco from the United States since the war, was—

* Lord Sheffield's Observations on the Commerce of the American States, p. 239.

† Report of the Lords of the Privy Council, Ap. 91.

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

Tobacco - - -	£582,987	6	0
Rice - - -	196,526	15	4
Making together -	£779,514	1	4

Our own documents prove, in respect to the article of tobacco, that more than one-half of our export is directly from the United States to countries other than Great Britain. The decrease in the articles of tobacco and rice is a convincing proof that we now carry, ourselves, to other foreign markets, the principal part of that proportion of these articles which used formerly to be carried to Great Britain and re-exported from thence. When we consider this fact, and the small proportion which indigo bears to our whole export, the probability of a proportional diminution of the quantity of that article re-exported, and that these three articles are the only considerable ones of re-exportation, we must conclude that there is great exaggeration in the supposition that the greatest part of our commodities now carried to Great Britain is re-exported from thence. There appears to be a strong probability that the allowance of one-third of our whole exports to Great Britain for re-exportation would be ample. Let us, then, take this proportion as a rule of calculation. With regard to the British Dominions other than Great Britain herself, the idea of re-exportation is not more applicable to them than to the dominions of France. Let us, according to these data, compute the probable consumption of Great Britain for the years before mentioned. The computation will stand thus :

For the year ending 30th September, 1790.

Two-thirds the export to Great Britain herself - - -	\$4,592,682
Whole of exports to her other Dominions - - -	2,357,583
Actual consumption of British Dominions - - -	6,950,265
Total exports to French Dominions in that year - - -	4,668,902
Excess of actual consumption of British Dominions beyond total of exportation of French Dominions - - -	2,281,363

For the year ending 30th September, 1791.

Two-thirds of export to Great Britain herself - - -	\$3,295,032
Whole exports to her other Dominions - - -	3,010,868
Actual consumption of British Dominions - - -	6,305,900
Total exports to French Dominions - - -	4,298,762
Excess of actual consumption of British Dominions beyond total of exportation to French Dominions - - -	2,007,138

For the year ending 30th September, 1792.

Two thirds of export to Great Britain herself - - -	\$3,170,832
Whole exportation to her other Dominions - - -	3,513,217
Actual consumption of British Dominions - - -	6,684,049
Total exports to French Dominions - - -	5,243,543
Excess - - -	1,440,506

From this view, it may rationally be inferred that Great Britain and her dominions actually consumed, annually, of our commodities, two millions of dollars more in value than France and her dominions. The comparison upon these years is particularly favorable to France. In the markets of Great Britain and her dominions things have gone on during the whole time in their natural course, while, in those of France and her dominions, from the relaxations incident to a state of revolution and convulsion, and from the additional wants created by the same causes our commodities have found a much greater latitude in their markets than they would enjoy in settled times.

We have seen that, in the years 1786 and 1788, a very small quantity of flour was exported to France and her dominions, (for Philadelphia is, in this case, a good standard for the whole,) while, in the years upon which the computation has been just made, this article has been the principal item in the supplies to the French Dominions. The just inference is, that, in settled times, Great Britain, with her dominions, has been, and would be, a much better customer to the United States, as a consumer, than France with her dominions.

But the stress which is laid upon the re-exportations from Great Britain, as diminishing her value as a customer, is founded on false principles. Since we have access to the countries to which she re-exports some of our commodities, we shall carry them there ourselves, in every case in which it is our interest to do so. In order, however, to its being our interest to do so, it is necessary not only that the countries in question should stand in need of our commodities, but that they should have commodities, which it would be convenient for us to receive in exchange. Otherwise, especially where distant voyages are to be performed, our vessels would find sufficient employment to render voyages profitable, nor would the capital employed be always turned to due advantage. Again, the nature of the trade may be such as to require greater capital for carrying it on with advantage than our merchants may possess, and the capital of our merchants, left free by the interposition of foreign capitals, may flow in a course of more beneficial employment.

In such a state of things, if there were no nation whose relations with the countries in question made it convenient to be an intermediary between us and them, our commodities would not find their way thither in equal quantities to what they now do, if at all. The intervention of Great Britain,

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

therefore, may, in most cases, be considered as a mean of extending instead of abridging our commerce, and that intervention may be no less beneficial to us, than if she were herself the consumer of the commodities.

The fact of Great Britain being an intermediary, as far as it is true, being then the result of the natural course of trade, left to itself, is a proof that it is the interest of the United States that she should stand, in the cases supposed, in the relation in which she does stand, between us and other foreign countries. There is, therefore, nothing of weight in the observation, that the quantities of our commodities which Great Britain receives, and re-exports, are greater than "reason or national interest would dictate."

IMPORTS.

I shall proceed, in the next place, to a view of our import trade with the dominions of France and Britain.

These, in the year taken by Mr. JEFFERSON, were—

From Great Britain and her dominions	\$15,285,428
From France and her dominions	2,068,348

From the Secretary's statement, it appears, that about three-fourths of our imports come from Great Britain and her dominions, of which a considerable part is from the West Indies. This, too, seems to be considered by some persons as a grievance. But it is among the circumstances which demonstrate to an unbiassed mind, the great importance and utility of our trade with Great Britain; nor can an alteration be made, but by means violent and contrary to our interests; except in a way which is not the object of the Report, namely, an efficacious system of encouragement to home manufactures. Every effort to turn the tide of trade from Great Britain to other countries, will amount to a premium upon the manufactures and productions of those countries, at the expense of the people of the United States.

How does it happen that the imports from Great Britain are so considerable? Evidently from two causes:

1st. Because Great Britain, aggregately considered, is unquestionably the first manufacturing country in the world, and can supply us with the greatest number of articles we want, on the best terms.

2d. Because her merchants have large capitals, and can afford to give us extensive credit. Our merchants, in general, have small capitals, and want credit.

Both the one and the other circumstance make it the interest of this country to deal with that to the extent we do.

It is manifestly our interest to be supplied with the manufactures we want, of the best quality, and on the best terms, and to take them from that country which is most able to furnish them. Deficient in capital ourselves, it has been very useful to us to find a country which could supply that deficiency; no circumstance has tended more to

nourish the industry, the agriculture, and the commerce of this country, and to advance its growth; and, though in a far less degree, it continues still to have the same effect. In proportion as we have less need of our own capital, to purchase the foreign commodities we want, is our ability to use it, in the exportation of our own, in ship building and navigation, in manufactures, and other internal improvements, and in the payment of the national revenue.

There is no country in the world in a situation to benefit so much by the aid of foreign capital, as the United States. This arises not only from the inadequateness, compared with the objects of employment of our own capital, but from the condition in which we are, with numerous resources unexplored and undeveloped.

But, it has been said, that France can supply us with many articles better than Great Britain. This expression, *better*, ought to include credit, as well as price and quality; for, if we stand in need of credit, that country which cannot give it to us, cannot supply us on as good terms as the country which can. Now, it is known that the merchants of France are unable or unwilling to give competent credit to our merchants. Moreover, though it may be true that France can supply us with some articles of as good, or better quality than Great Britain, the number and extent of them is small, compared with the number and extent of the articles with which Great Britain and Ireland can furnish us, of better quality, and, quality considered, cheaper than France. The great bulk of the articles we import from Europe, consists of hard-wares, earthen ware, manufactures of cotton and wool, and linens; all of which, for general use, can be had better from Britain and Ireland than from other countries. The present extremely deranged state of the manufactures of France, is not here noticed, as the argument is deemed sufficiently strong without it. Every man of business knows that it is of moment to a merchant, to find a various and well assorted cargo, and that it is, generally speaking, his interest to go to that place where he can obtain the greatest variety of the articles of his trade, though some of them may not be upon equally good terms, rather than go to another, where he cannot have the same variety and assortment of good articles, though he might be able to obtain there a few of better quality and lower price. Hence, Great Britain is, in every view, the best supplier of this country. As trade has been hitherto left to find its own channels, the presumption is, that it has flowed into those where its natural relations and its best interests have led.

I shall not deny that it would be desirable, in order to diminish our dependence for supply on one nation, that others could attract a portion of the trade we have with Great Britain, by being able to supply us equally well with what we want, and in a manner which would make it the interest of our merchants to turn their attention towards them. But it will not follow that such change ought to be brought about by artificial methods. Indeed, this cannot be done, without sacrificing the interests of this country to those of others.

To lessen the importation of the commodities of Great Britain, as far as it may be practicable, we must have recourse to prohibitions or to duties, so much higher than those paid by other countries on the like articles, as to counterbalance the disadvantages they labor under, in the competition for our market. Either method will operate as a bounty upon the commodities of certain foreign nations, to the prejudice of others, which bounty will be paid at the expense of our citizens. A prohibition, by lessening the competition of foreign nations, and of course the quantity of goods brought to market, would increase the price of the goods of those nations to whom the monopoly was given; our citizens would consequently pay dearer for their supply, and would sustain a positive expense to support, not their own industry and manufactures, but those of other countries. The same effect would happen in the case of additional duties; they would either exclude the articles of the countries upon which they were laid, and operate as a prohibition, or, if they did not, they would tend to raise the prices of all articles of the same kind, from whatever country brought; those who import the highly dutied articles would endeavor to incorporate the duty with the price, because they could not afford to do otherwise. The importers from the other countries would take advantage of this circumstance to increase their profit, and would add proportionally to the price of their commodities. But the very necessity of laying high duties to favor the competition of other countries, supposes that they cannot afford to sell their commodities of equal quality as cheap as the country on whose commodities the duties are laid, and aims, by rendering these dearer, to bring them at least to the level of those which were before undersold. It results, that the people of the United States will have to pay higher prices than formerly, and this, as already observed, not for their own advantage, but for that of foreigners.

Among the contrivances used to depreciate the value of our commercial connexion with Great Britain is this, that the credit which she gives us is pernicious by inducing us to run in debt. As well might it be said, that the credit which a settler of new land obtains, upon the land which he has purchased, or that which a tailor gets upon the cloth which he works up, in the course of his trade, is prejudicial. The truth is, that credit, though liable to abuse, is the substitute for capital in all trades, and that it serves to foster them and increase the mass of industry, though the slothful and extravagant suffer by it. In a young country, like ours, it is an essential nutriment.

If we turn to the West Indies, there, too, the comparison as to our supply is in favor of Great Britain. While, from the French West Indies, the permanent system of France allows us to have nothing but molasses and rum, that of Great Britain allows us not only to have those articles, but, in addition to them, sugar, coffee, cocoa, ginger, pimento, and salt, and that directly from the islands; while the general rule is, that they cannot be carried directly to any other foreign country. It ought to be deemed no inconsiderable ad-

vantage to have a direct supply from the islands of necessities and comforts so important to us, and to be relieved from the inconvenience and expense of getting them by the circuitous route of Europe; an advantage to which we were left by the system of France, as far as it could be executed. Its having been in a great degree frustrated by Colonial relaxations and contraband practices, does not alter the complexion of that system.

It follows, from what has been said, that Great Britain is our best furnisher, as well as our best customer.

NAVIGATION.

In all the points upon which the comparison of our commerce with Great Britain and France has hitherto turned, the advantage is on the side of that which we carry on with Great Britain. The only point of further comparison respects our navigation.

In the trade immediately between the United States and Great Britain, as far as respects our own commodities, our ships are upon the same footing with those of Great Britain, (with the exception, only, of 1s. 9d. sterling per ton, for light and Trinity dues, paid more on ours than on British vessels, in all the ports of England, but London,) and on a better footing than those of other foreign Powers; for, while they pay upon the carriage of several of their own commodities, additional duties, called alien duties, our ships are exempt from them. This is a discrimination of some consequence in our favor, beneficial not only to our navigation, but to our agriculture. It is, to a certain extent, a departure, in our favor, from the principle of her Navigation Act.

In the trade between the United States and France, our ships are upon the same footing with the most favored nations, not better. So far, therefore, the comparison is in favor of the system of Great Britain. But France allows us to carry thither foreign commodities in our bottoms, which Great Britain does not permit. This is an advantage, but it is one which we enjoy in common with other nations, and its importance, in fact, has hitherto not been very great, though it has been rendered greater than it would naturally be, by the disordered state of her West India affairs.

The point truly interesting to us is the carriage of our own commodities. From the British West Indies our vessels are entirely excluded, (except in the instance of salt from Turk's Island,) while France admits into her islands our vessels of sixty tons and upwards, in common with the like vessels of other foreign countries. The comparison, therefore, in respect to the West Indies, is entirely in favor of France. It may not be improper to remark, incidentally, that it is far more important to us to have our navigation upon a good footing with the European dominions of Great Britain than with her West India possessions. This is evinced by considering that our exports to her West Indies are, upon an average, less than a third of our exports to her European dominions. But, upon the whole, the system of France may be considered as more favorable to our navigation

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

than that of Great Britain. Yet the effect, as to the quantity of our tonnage employed in our trade with those countries, is very different from that which is suggested in the Report of the Secretary of State, who has, in this respect, pursued a very erroneous guide. He states the tonnage employed between the United States and the dominions of France at 116,410 tons; the dominions of Great Britain, 43,580 tons. But this statement is taken, not according to the number of ships employed, but according to the number of inward entries made by each. Of course a vessel of one hundred tons, making two voyages in a year to and from Great Britain, (as much as can usually be made,) would appear, by the duties, only as two hundred tons; whereas the same, or another vessel of equal burden, making four voyages in a year to the French West Indies, (which can without difficulty be done,) would appear, by the same entries, as four hundred tons; so that our navigation with the British dominions, being entirely with those of Europe, where the voyages in a year are few, and with the French dominions, being chiefly with the West Indies, where the voyages in a year are frequent, it might happen that the returns which have been followed by the Secretary of State would show, nominally, double the quantity of tonnage employed between the United States and the dominions of France than between the United States and the dominions of Great Britain, while, in fact, we might have more actual tonnage employed in the latter than in the former case. An inaccuracy of this nature demonstrates the incorrect manner in which the Report has been framed. According to a return lately made to this House, the real proportion of actual tonnage of the United States employed in our trade with the dominions of France and Great Britain, in the year ending 30th September, 1792, is as follows: with those of France, 82,510 tons; with those of Great Britain, 66,583 tons. We find, then, upon a comprehensive and particular investigation of the system of Great Britain, that, instead of its wearing an aspect particularly unfriendly to us, it has, in fact, a contrary aspect; that, compared with other foreign nations, it makes numerous and substantial discriminations in our favor; that it secures, by means which operate as bounties upon our commodities, a preference in her markets to the greatest number of our principal productions, and thereby materially promotes our agriculture and commerce; that, in the system of France, there is but a single and not very important instance of a similar kind; that, if France allows us some advantage of navigation in her islands, she allows the same advantages to all other foreign nations, while Great Britain allows advantages to our navigation with herself directly which she does not allow to other foreign nations; that, if France admits our salted fish into her West India islands, she does it under such duties upon ours, and such premiums upon her own, as would exclude us from them, if she had capacity to supply herself, while she formally prohibits our flour; that, if Great Britain excludes our fish from her islands, she freely admits our flour; that

while France, as far as we are permitted to trade with her islands, lets in other foreign nations to a competition with us on equal terms, Great Britain excludes from a competition with most of the articles of the United States, which she admits into the islands, the like articles of other foreign countries; that, while France permits us to be supplied directly from her islands with nothing more than she permits to other nations, and with only the two articles of molasses and rum, Great Britain allows us to be supplied directly from her islands with a considerable number of essential articles, and refuses a direct supply of those articles to other foreign countries; that, if the system of France is somewhat more favorable to our navigation, that of Great Britain is far more favorable to our agriculture, our commerce, and to the due and comfortable supply of our wants; that Great Britain is a better furnisher than France of the articles we want from other foreign countries, and a better customer for what we have to sell; and that the actual relations of commerce between the United States and Great Britain are more extensive and important than between the United States and France, and it may be added, or any other country in the world, for our trade with France is no doubt second in importance. Where, then, is the ground for extolling the liberal policy of France, the superior importance of our commercial connexion with her, and for exclaiming against the illiberal and oppressive policy of Great Britain, and for representing our intercourse with her as secondary in consequence and utility? There is none. It is altogether a deception, which has been long successfully practised upon the people of the United States, and which it is high time we should unmask. If we pass from the fact of the footing of our commerce with France and Great Britain to the principles and motives of their respective systems, we shall find as little room for eulogium on the one as censure on the other. Candor will assign to both the same station in our good or bad opinion. Both, like other nations, have aimed at securing the greatest possible portion of benefit to themselves, with no greater concession to our interests than was supposed to coincide with their own. The Colonial systems of France is the great theme of the plaudits of her partisans. The detail already entered into respecting it will now be further elucidated by a concise view of its general principles and progress. An ordinance of the year 1727, like the British Navigation Act, had given to the mother country a monopoly of the trade of the Colonies, and had entirely excluded foreigners from it. Experience having shown, as we learn from an ordinance of August 30, 1784, that it was necessary to moderate the rigor of that system, small relaxations from time to time accordingly took place; and, by the ordinance just mentioned, more important alterations were made. That ordinance establishes several free ports in the French islands: one at St. Lucie, one at Martinique, one at Guadaloupe, one at Tobigo, and three at St. Domingo, and grants permission, "till the King should please otherwise to ordain," to foreign vessels of at least

sixty tons burden, to carry to those free ports wood of all kinds, pit coal, live animals, salted beef, but not pork, salted cod fish, rice, Indian corn, vegetables, green hides in the hair or tanned, peltry, turpentine, and tar, and to take from the same ports molasses, rum, and merchandises, which had been imported from France, charging the articles which are permitted to be imported with the duties stated in the table. The steps which succeeded that ordinance, calculated to narrow its operation in regard to the articles of fish, have been already noted so particularly as to render a recapitulation unnecessary. It is sufficient to repeat that they manifested on this point a decided disposition to exclude, as far as possible, foreign from a competition with their own fish. It appears, then, that the general principle of the Colony system of France, like that of Great Britain, was a system of monopoly, and that some temporary deviations from it were from time to time made, from necessity or the force of circumstances. In like manner the Navigation Act of Great Britain gives the mother country a monopoly of the trade of her Colonies, not only as to navigation, but as to supply; but the force of circumstances has led to some deviations. The deviations of France have extended partially to navigation, as well as to supply. Those of Great Britain have extended further than those of France, as to supply, but have been narrower as to navigation. Neither, however, has deviated further than particular situation dictated. Great Britain has been less relaxed on the article of navigation than France, because the means of navigation possessed by the former were more adequate than those possessed by the latter. France has been more restrictive on the article of exports than Great Britain, because her home market was more adequate to the consumption of the productions of her islands than that of Great Britain to those of her islands, and because the latter found advantages in allowing a free export to the United States as an article of exchange. France permitted the introduction of salted beef and fish into her islands, because she could not sufficiently furnish those articles herself; she prohibited flour and pork, because she thought herself competent to the supply of them. Great Britain prohibited fish, because she knew herself able to furnish it, and, like France, was jealous of an interference with her fisheries, as a main support of her navigation. She permitted flour, because she knew herself unable to supply it. As far as the measures of France may have had a conciliatory aspect towards this country, she was influenced by the desire of sharing more largely in our trade, and diverting it more from her ancient rival. As far as the measures of Great Britain may have made any concession to us, they have proceeded from a sense of our importance to her as a customer, from the utility of our supplies to her, from a conviction that it was necessary to facilitate to us the means of re-exchange; that it was better to take our commodities which were paid for in commodities, than those of other countries which she might have to pay for in specie; that it was good policy to give us some douceur, as well to

hinder our commerce from running into another channel, as to prevent collisions which might be mutually injurious. These are the true features of the systems of both countries, as to motives. If we are unprejudiced we shall see in neither of them either enmity or particular friendship; but we shall see in both a predominant principle of self-interest, the universal rule of national conduct.

Having completed my comparison of the two systems of France and Great Britain towards this country, I shall now extend it to those of other countries, in order to mark the principal differences.

[Here Mr. SMITH described the situation of our commercial relations with the United Netherlands, Sweden, Spain, Portugal, and Denmark, and drew the conclusion that the system of Great Britain, not only as compared with that of France, was entitled to our preference, but that it was also greatly to be preferred to that of all the before-mentioned nations, except, perhaps, the United Netherlands.] He then continued his speech as follows:

From the view which has been taken, this general reflection results, that the system of every country is selfish according to its circumstances, and contains all those restrictions and exclusions which it deems useful to its own interest. Besides this, a desire to secure to the mother country a monopoly of the trade of its Colonies, is a predominant feature in the system of almost every country in Europe. Nor is it without foundation in reason. Colonies, especially small islands, are usually maintained and defended at the expense of the mother country, and it seems a natural recompense for that service, that the mother country should enjoy, exclusively of other nations, the benefit of trade with its Colonies. This was thought reasonable by the United States, while Colonies, even after their disputes on the point of taxation had begun; and however the question may stand between the mother country and its Colonies, between the former and foreign nations, it is not easy to see how the equity of the exclusion can be contested. At any rate, its being the most prevailing system of nations having Colonies, there is no room for acrimony against a particular one that pursues it. This ought not to dissuade the United States from availing itself of every just and proper influence to gain admission into the Colony trade of the nations concerned; but this object ought to be pursued with moderation, not under the instigation of a sense of injury, but on the ground of temperate negotiation and reasonable equivalent.

These observations ought to produce two effects, to moderate our resentments against particular nations and our partialities for others, and to evince the impracticability and Quixotism of an attempt by violence, on the part of this young country, to break through the fetters which the universal policy of nations imposes on their intercourse with each other.

Our moderation in this respect ought to be excited by another reflection—does not our own system present a number of exclusions and restrictions

JANUARY, 1794.]

Commerce of the United States.

[H. of R.]

similar to those of which we complain? Let us look into our impost and tonnage acts; do they not exhibit a number of instances of duties prohibitory in their principle and extent? Do they not, by additional duties on foreign vessels and on goods brought in foreign vessels, secure a decided superiority to our ships in the navigation between this country and all those to which they are permitted to go? If duties on goods of one country, imported into another, are oppressive and grievances, (as the Secretary of State seems frequently to suppose,) how few are the foreign articles brought into the United States, on which considerable duties are not laid.

The Secretary of State, after pointing out the exclusions, restrictions, and burdens, which prevent our enjoying all the advantages which we could desire in the trade with foreign countries, proceeds to indicate the remedies; these are counter-exclusions, restrictions, and burdens.

The reason of the thing and the general observations of the Secretary of State, would extend the regulations to be adopted to all the nations with whom we have connexions in trade; but his conclusion would seem to confine them to Great Britain, on the suggestion that she alone has declined friendly arrangements by treaty, and that there is no reason to conclude, that friendly arrangements would be declined by other nations.

The suggestion with regard to great Britain, appears not to be well founded, if we are to judge from the correspondence of the British Minister, Mr. Hammond, communicated by the President to the House. Mr. Jefferson asks him if he is empowered to treat on the subject of commerce; he replies, that he is fully authorized to enter into a negotiation for that purpose, though not as yet empowered to conclude. Upon further difficulty and objection on the part of Mr. Jefferson, Mr. Hammond renews his assurance of his competency to enter on a negotiation, which he rests on his commission, as Minister Plenipotentiary, and his instructions; Mr. Jefferson requires a communication of his full powers for that purpose, and declines the negotiation. This was by no construction a declining on the part of the British Minister. Forms were the obstacle with the Secretary of State, whose zeal, at best, was not greater than Mr. Hammond's.

But with regard to Spain, these observations occur. A secret article with France, stipulated for Spain a right to become a party to our commercial treaty with France, on the same terms. She has never availed herself of the right. Do we not know, that measures have been since pursued towards forming a treaty of commerce with her? Do we not know that none has been formed? Have we not reason to suspect, that such a treaty, on eligible terms, could not be obtained but at a price which we should be unwilling to pay for it? Have no measures been pursued towards effecting a commercial treaty with a power so interesting to us as Portugal? What was the object of sending a Minister there? How happens it, that there is no return? Is not there reason to conclude, from the long delay, that there are serious obstacles to

the forming a proper treaty of commerce with that nation?

Why, then, is Great Britain selected, but that it is most in unison with our passions to enter into collisions with her?

If retaliations for restrictions, exclusions, and burdens, are to take place, they ought to be dealt out, with a proportional hand, to all those from whom they are experienced. This, justice and an inoffensive conduct, require. If, suffering equal impediments to our trade from one Power as another, we retaliate on one and not on another, we manifest that we are governed by a spirit of hostility towards the Power against whom our retaliation is directed, and we ought to count upon a reciprocation of that spirit. If, suffering fewer from one than from another, we retaliate only on that party from whom we suffer least, the spirit of enmity, by which we were actuated, becomes more unequivocal. If, receiving a positively better treatment from one than another, we deal most harshly towards that Power which treats us best, will it be an evidence either of justice or moderation? Will it not be a proof either of caprice, or of a hatred and aversion, of a nature to overrule the considerations both of equity and prudence?

Whatever questions may be raised about the preference due to the British commercial system, as compared with that of France, there can be none, comparing it either with that of Spain or Portugal.

Where, then, is the justification of the attempt to produce a war of commercial regulations with Great Britain, passing over greater objections to the policy observed towards us by other nations?

Commercial regulations ought to be bottomed on commercial motives; but, if political grievances are to be implicated, is there no Power proposed to be exempted, of whom we have cause to complain?

The propositions, (which may be considered as a commentary on the report,) do every thing but name Great Britain. Professedly confined to the Powers with whom we have no treaties of commerce, the articles selected, as the objects of regulation, have scarcely any application but to Great Britain. This is but a flimsy cover; the design will be mistaken by no one, and there would have been much more dignity in naming the party with whom it was meant to contend.

The idea of an apportionment of retaliation to grievance is rendered impossible by our treaties. These contain precise stipulations of mutual privileges, and in each case the general principle of the party being on the footing of the most favored nation.

But at least it might be done with regard to the Powers with whom we have no treaties, and the not proposing it will be considered as a clear proof that the ostensible object is one thing, the real object another.

Will it be believed out of doors that all this proceeds from a pure zeal for the advancement of commerce and navigation? Have the views of our public councils been uniform on this point?

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

Have they never contributed to those favorable opportunities for making such a treaty, by recalling powers for that purpose once given, by defeating efforts made to send them when they might have been useful?

Whatever may be the motive, the operation may clearly be pronounced to be a phenomenon in political history—a Government attempting to aid commerce by throwing it into confusion; by obstructing the most precious channels in which it flows, under the pretence of making it flow more freely; by damming up the best outlet for the surplus commodities of the country, and the best inlet for the supplies of which it stands in need; by disturbing, without temptation, a beneficial course of things, in an experiment precarious, if not desperate; by arresting the current of a prosperous and progressive navigation, to transfer it to other countries, and by making all this wild work in the blameable, but feeble attempt to build up the manufactures and trade of another country at the expense of the United States.

Let us take a closer view of the project. It has been proved that it does not rest on a basis of distributive justice, and observations have been made to evince its impolicy. But this demands a more critical examination.

Let it be premised, that it is a project calculated to disturb the existing course of three-fourths of our import trade, two-fifths of our export trade, and the means on which depend two-thirds, at least, of our revenues.

To be politic, therefore, it ought to unite these different ingredients:

First. An object of adequate utility to the country.

Second. A moral certainty, at least, of success.

Third. An assurance that the advantage likely to be obtained is not overbalanced by the inconveniences likely to be incurred, and as an equivalent for the jeopardy to which advantages in our possession are exposed.

1st. The direct object professed to be aimed at, is a freer trade with Great Britain, and access to her West India Islands, in our own ships. A collateral one, the success of which seems most relied on, is to transfer a part of our too great trade with Great Britain to other nations, particularly France.

The first is no doubt an object of real magnitude, worthy of every reasonable and promising exertion. The second, in the single light of obviating a too great dependence for supply on one nation, is not unworthy of attention, but, as before observed, it ought only to be aimed at by expedients neither embarrassing nor expensive; it is a very insufficient object to be pursued either at hazard or expense to the people of the United States. It has been already shown, that to pursue it, either by prohibitions or partial increase of duties, would be a costly undertaking to this country.

2d. The second ingredient is, “a moral certainty of success.” The argument used to prove the probability, nay, the certainty of success, is this: the United States are a most important customer

to Great Britain; they now take off near three millions in her manufactures, and by the progress of their population, which is likely to exceed that of their manufactures, the probability is, that their importance as a customer will increase, every year; their importance to Great Britain, as a source of supply, is not less than as a customer for her manufactures; the articles with which they furnish her, are those of prime necessity, consisting of the means of subsistence, and the materials for ship-building and manufactures, while the articles we derive from her, are mostly those of convenience and luxury; her supplies to us are therefore less useful than ours to her; that it would be contrary to all good policy in Great Britain, to hazard the turning of a commerce so beneficial, into other channels; besides all this, Great Britain is immersed in debt, and in a state of decrepitude; derangement of our commerce with her, would endanger a shock to the whole fabric of her credit, and by affecting injuriously the interests of a great portion of her mercantile body, and by throwing out of employ a large number of her manufacturers, would raise a clamor against the Ministry too loud and too extensive to be resisted; and that they would consequently be compelled, by the weight of these considerations, to yield to our wishes.

It is as great an error in the Councils of a country to over-rate as to under-rate its importance. The foregoing argument does this, and it does it in defiance of experience. Similar arguments were formerly used in favor of a non-importation scheme; the same consequences now foretold, were then predicted in the most sanguine manner; but the prediction was not fulfilled. This it would seem, ought to be a caution to us now, and ought to warn us against relying upon the like effects, promised from a measure of much less force, namely, an increase of duties.

If our calculations are made on the ordinary course of the human passions, or on a just estimate of relative advantages for the contest proposed, we shall not be sanguine in expecting that the victory will be readily yielded to us, or that it will be easily obtained.

The Navigation Act of Great Britain, the principles of which exclude us from the advantages we wish to enjoy, is deemed by English politicians, as the palladium of her riches, greatness, and security.

After having cherished it for such a long succession of years, after having repeatedly hazarded much for the maintenance of it, with so strong a conviction of its immense importance, is it at all probable that she would surrender it to us without a struggle—that she would permit us to extort the abandonment of it from her without a serious trial of strength?

Prejudices riveted by time and habit, opinions fixed by long experience of advantages, a sense of interest, irritated pride, a spirit of resentment at the attempt, all these strong circumstances would undoubtedly prompt to resistance. It would be felt, that if a concession were made to us upon the strength of endeavors to extort it, the whole system must be renounced; it would be perceived

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

that the way having been once successfully pointed out to other nations, would not fail to be followed, and that a surrender to one would be a surrender to all.

Resistance, therefore, would certainly follow in one or other mode, a war of arms, or of commercial regulations.

If the first should be determined upon, it would not be difficult for Great Britain to persuade the other Powers with whom she is united, that they ought to make common cause with her. She would represent that our regulations were in fact only a covert method of taking part in the war by embarrassing her, and that it was the interest of the cause in which they were combined, to frustrate our attempts.

If war could be foreseen as the certain consequence of the experiment proposed to be made, no arguments would be necessary to dissuade from it. Every body would be sensible that more was to be lost than gained, and that so great a hazard ought not to be run.

But we are assured that there is no danger of this consequence, that no nation would have a right to take umbrage at any regulations we should adopt with regard to our own trade, and that Great Britain would take care how she put to risk so much as she would hazard by a quarrel with us.

All this is far more plausible than solid. Experience has proved to us that the Councils of that country are influenced by passion as well as our own. If we should seize the present moment to attack her in a point where she is peculiarly susceptible, she would be apt to regard it as a mark of determined hostility. This would naturally tend to kindle those sparks of enmity which are alleged to exist on her side. War is as often the result of resentment as of calculation. A direct and immediate war between us would not be surprising; but if this should not take place, mutual ill offices and irritations, which naturally grow out of such a state of things, would be apt quickly to lead to it. Insults and aggressions might become so multiplied and open as not to permit forbearance on either side.

It would be a calculation with Great Britain whether she could best oppose us by retaliating regulations, or by arms.

As circumstances at the moment of deliberation should point, according to the then view of probabilities, would be the result. The decision may be in favor of war, under the idea that its distresses might induce us to enter into a commercial treaty upon her own terms; who can pronounce that this would not be the result, when it is considered that she is likely to be aided by so many other maritime powers now in her connexion?

Let us, however, take it for granted, that she would prefer the other course, that of retaliating regulations; how will the contest stand? The proportion of the whole exports of Great Britain, which comes to the United States, is about one-fifth; the proportion of our exports, which goes to Great Britain, is about one-eighth of the whole amount of her imports. Taking the mean of these

proportions of imports and exports, the proportion which our trade with Great Britain bears to the totality of her trade is about one-sixth.

The proportion of imports from the dominions of Great Britain into the United States, may be stated at three-fourths of our whole importation; the proportion which our exports to the same dominions bears to our total exportation may be stated at two-fifths; taking the mean of those two, the proportion which our trade with Great Britain bears to our whole trade is something more than one-half.

It follows, then, that while a commercial warfare with Great Britain would disturb the course of about one-sixth of her trade, it would disturb the course of more than one-half of ours.

This much greater proportional derangement of our trade than of hers by a contest, is a mathematical demonstration that the contest would be unequal on our part; that we should put more to hazard than Great Britain would do; should be likely to suffer greater inconvenience than her, and consequently, (the resolution and perseverance of the two parties being supposed equal,) would be soonest induced to abandon the contest.

The inequality of the contest is evinced by these further considerations. The capital of Great Britain is greater in proportion to numbers than ours. A manufacturing, as well as an agricultural nation, the objects of her industry and the materials of her trade are as much diversified as can be well conceived, while ours are few and simple. The habits of her people admit of her bringing into action every source of revenue which she possesses, while those of ours embarrass the Government at every step, and would render substitutes for the existing ones extremely difficult. The Government of Great Britain has all the energy which can be derived either from the nature of a Government, or from long habits of obedience in the people, while ours is in its infancy—neither confirmed by age nor habit, and with many circumstances to lessen its force. No one can but be sensible, that in proportion to the capital of a merchant or a nation, is the faculty to endure partial derangements to the trade carried on by the one or the other; that in proportion to the diversity of objects which a merchant or a nation can bring to market, is the faculty to find new resources of trade, and to bear the temporary suspension of existing ones; that in proportion to the habitude of a nation to endure taxation, is the facility of a Government to find substitutes for revenues lost; that in proportion to the energy of a Government and the habits of obedience of a people, is the chance of perseverance on the part of such Government, in measures producing inconveniences to the community.

Great Britain then would have less to resist and more means of resistance than the United States; the United States more to resist and less means of resistance than Great Britain. Which party are the chances against in such a contest? Can any one say that the United States ought, in such a comparative situation, to count on success in an experiment like that proposed, with sufficient as-

insurance to be justified in hazarding upon it so great a derangement of its affairs, as may result from the measure?

The main argument for the chance of success, is, that our supplies to Great Britain are more necessary to her than hers to us. But this is a position which our self-love gives more credit to than facts will altogether authorize. Well-informed men in other countries, (whose opportunities of information are at least as good as ours,) affirm, that Great Britain can obtain a supply of most of the articles she obtains from us, as cheap and of as good a quality elsewhere, with only two exceptions, namely, tobacco and grain, and the latter is only occasionally wanted; a considerable substitute for our tobacco, though not of equal quality, may be had elsewhere; and even admitting this position to be too strongly stated, yet there is no good reason to doubt that it is in a great degree true. The Colonies of the different European Powers on this Continent, some countries on the Mediterranean, and the Northern countries of Europe, are in situations adapted to becoming our competitors.

On the other hand, the manufactured articles which we do not make ourselves, (the greatest part of which are, in civilized countries, necessities,) are as important to us as our materials for manufacture (the only articles for which her demand is constant,) are to Great Britain. The position is as true, that no other nation can supply us as well as that country, with several essential articles which we want, as that no nation can supply her equally well with certain articles which she takes from us; and as to other articles of subsistence, it is certain that our demand for manufactured supplies is more constantly urgent than her demand for those articles. Where, indeed, shall we find a substitute for the vast supply of manufactures which we get from that country? No gentleman will say that we can suddenly replace them by our manufactures, or that this, if practicable, could be done without a violent distortion of the natural course of our industry. A substitute of our own being out of the question, where else shall we find one?

France was the Power which could best have filled any chasm that might have been created. But this is no longer the case. It is undeniable that the money capitals of that country have been essentially destroyed; that manufacturing establishments, except those for war, have been essentially deranged. The destruction to which Lyons appears to be doomed, is a severe blow to the manufactures of France; that city, second in importance, in all respects, was perhaps the first in manufacturing importance. It is more than probable that France, for years to come, will herself want a foreign supply of manufactured articles.

At a moment, then, when the manufactures of Great Britain have become more necessary than ever to us, can we expect to succeed in a contest which supposes that we can dispense with them?

It may be said that the resolutions proposed do not suppose this; but they do suppose it, for they ought to proceed upon the possibility, nay, proba-

bility, that a system of commercial retaliation will be adopted by Great Britain, in which case we must inevitably sustain a defeat, if we cannot dispense both with her supplies and with her market for our supplies.

Will it be answered that her manufactures will find their way to us circuitously, and our supplies to her in like manner? If so, what are our regulations to produce but distress and loss to us? The manufactures of Great Britain will still be consumed, and our materials will still nourish those manufactures.

The manufactures we take from her being less bulky than the supplies we send her, the charges of a circuitous transportation would be less than those of a like transportation of our commodities. In all the cases, therefore, in which those charges fall upon her, they would be lighter than in the cases in which the latter charges fell upon us. Moreover, as the articles of Great Britain would meet less competition in our markets than ours in hers, the increased charges on her manufactures would much oftener fall upon us than those upon our materials would fall upon her. So that both ways we should sustain loss.

But, it may be asked, what are the regulations Great Britain could adopt to counteract ours? I answer, she could, (among other conceivable things,) prohibit or lay prohibitory duties on her commodities to this country, and on ours to her, in our bottoms; and she might, in addition, temporarily grant the same privileges to Dutch or other friendly bottoms which are now granted to those of the United States in the trade between us and herself; or she might go no further in this particular than to permit the importation of our commodities in some of those bottoms. This, it is true, would be a departure from the system of her Navigation Act; but when the question was, whether she should surrender it permanently to us by extortion, or temporarily to a Power more friendly to her, till the issue of the experiment could be decided, who can doubt what would be the course which interest and resentment would dictate?

But there are numerous other regulations which could be adopted, and which, equally with the foregoing, would have the effect of transferring the trade between the two countries to the management of some third party; for, after all, it is not improbable this will be the result of the contest, that, instead of the United States and Great Britain carrying on jointly as they now do the trade between the two countries, it will be carried on either directly or circuitously by some third Power, more to our detriment than to that of Great Britain.

The manufactures of that country will get to us nearly in the same quantities they now do, with the disadvantage of additional charges. Such of our commodities as she cannot have of equal quality elsewhere, will get to her also. The rest will be supplanted by the like commodities of other nations, and we shall lose the best market we have for them. Those who advocate the system of contention, should tell us where a substitute will be found. The merchants, who know that it is now difficult

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

enough to find markets for our surplus commodities—that France, in ordinary times, affords a very contracted one, and that the French West Indies are not likely, in settled times, to be as good customers as they have been for some time past, cannot desire to see the sphere abridged, and our landholders will quickly reprobate the plan.

Thus, it appears, that the contest would be likely to issue against us, and to end in defeat and disgrace.

What would be our situation if we should make an attempt of the kind and fail in it? Our trade would then truly be in the power and at the disposal of Great Britain.

3d. The third ingredient stated, as necessary to justify the proposed attempt, is this: that the prospect of advantages should be at least an equivalent for those in possession, which would be put in jeopardy by the experiment.

It has been shown, that in fact there is no real prospect of advantage, but a considerable one of inconvenience and loss. This puts an end to comparison. But it may be added, that our situation is precisely such an one as to forbid experiments. It is so, from the stage at which we are, as a people, too little advanced, too little matured for hazardous experiments of any sort.

This is not all; our general situation at this time is an eligible one; we are making as rapid a progress in most of the great branches of political prosperity as we can reasonably desire, and it would be imprudent to hazard such a situation, upon precarious speculations of greater advantage. The prosperity of a nation is not a plant to thrive in a hot-bed; moderation in this respect is the truest wisdom; it is so plain a path, that it requires a peculiar sublimation of ideas to deviate from it.

It is agreed on all hands, that all our great national interests, our population, agriculture, manufactures, commerce, and our navigation, are in a thriving and progressive state, advancing faster than was to have been expected, and as fast as can reasonably be desired.

Our navigation, in the short space of three years, ending the 31st of December, 1792, has increased in the ratio of nearly one fifth.

The proportions of our tonnage have been as follows: In 1790, 479,091 tons; in 1791, 501,790 tons; in 1792, 568,283 tons; showing an increase of 89,192 tons.

The proportion of foreign tonnage during the same years, has been: in 1790, 258,919 tons; in 1791, 240,799 tons; in 1792, 244,263 tons; showing a decrease of 14,656 tons. This proves that our present system is highly favorable to the increase of our navigation, and that we are gradually supplanting foreigners.

The truth is, that the difference in the tonnage duty, and the addition of one-tenth upon the duties on goods imported in foreign bottoms, is a powerful encouragement to our shipping, and as it has not been of a magnitude to excite retaliation, it is much more likely to promote the interests of our navigation, than violent measures, which would compel to retaliation; prudence admonishes us to stop where we are, for the present,

rather than risk the advantages we possess, in trials of strength, that never fail to injure more or less both parties.

If we turn from our shipping to our agriculture, we shall find no reason to be dissatisfied.

The amount of our exports for the year ending the 30th of September, 1792, as appears by the last return of exports to this House, exceeded the two preceding years by \$589,601 16. It exceeded the mean of the two preceding years, by \$1,597-983 36. Our revenues are unquestionably more productive than was looked for. Those from imports have exceeded, in a year, \$4,600,000. Of the increase of our manufactures, we have no precise standard, but those who attend most to the subject entertain no doubt that they are progressive.

This certainly is not a state of things that invites to hazardous experiments. These are perhaps never justifiable, but when the affairs of a nation are in an unprosperous train.

We experience, indeed, some embarrassments from the effects of the European war, but these are temporary, and will cease with that war, which of itself offers us some indemnifications, I mean a freer trade to the West Indies.

I am greatly mistaken if the considerations, which have been suggested, do not conclusively prove the impolicy of the plan which is now recommended for our adoption. So strong and decided is my own conviction, that I cannot but persuade myself, that of the Committee will lead to its rejection. A few miscellaneous observations will conclude what I have to offer on this very interesting subject.

First. It has been made an objection to the present footing on which our trade is with Great Britain, that it is regulated by annual proclamation of the Executive, instead of a permanent law. This was at first laid down by the Secretary of State in terms so general as to include the West Indies; but he has since corrected the error, and told us that our trade with the British West Indies is regulated by a standing law. The fact itself, nevertheless, is of no real importance. The actual footing, on which we are placed, is the only material point; the mode of doing it is of little consequence. The annual proclamation of the British Executive is equivalent to the decree, revocable at pleasure, of any single Legislator, of the Monarch of Spain or Portugal, and it may be added, of the French Convention, which, though a numerous body, yet forming only one Assembly, without checks, is as liable to fluctuation as a single Legislator; and, in fact, its resolutions have been found as fickle and variable, as it was possible for the resolutions of any single person to be. To prove this, if proof were required, it would be only necessary to refer to the frequent changes in the regulations they have made with regard to the trade of this country—to day one thing, to-morrow another. Instability is more applicable to no political institution than to a Legislature, consisting of a single popular Assembly.

Second. The additional duties proposed, are objectionable, because the existing duties are already,

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

generally speaking, high enough for the state of our mercantile capital and the safety of collection. They are near twenty *per centum* on an average, upon the value of the objects on which they are laid; higher than the duties of several countries, and high enough for our present condition. To augment the rates materially will be in the abstract to oppress trade; for we must have for our consumption the manufactures of the country on which they are proposed to be laid.

Third. To serve as a contrast to the conduct of Great Britain, we are told of the liberal overtures for a commercial treaty lately made by France.

It has been already remarked, that the conduct of France towards us since the commencement of the Revolution, is no basis of reasoning; it has undergone as many revolutions as their political systems; their measures at one period, with respect to our tobacco, were of a complexion peculiarly hostile to us. The duty of twenty five livres per quintal on that article, carried in our bottoms to France, and of only eighteen livres fifteen sous on the same article, carried in French bottoms, amounted to a complete prohibition to carry our tobacco in our own bottoms.

The duty of twenty-five livres per quintal on foreign fish is another important instance of severity of regulations, a duty admitted by the Secretary of State to be prohibitory.

If there have been regulations and propositions of a more favorable nature, they are to be ascribed to causes of the moment. During the continuance of the Revolution, it is of necessity that we have *carte blanche* in the French West Indies. We know that we are getting admission into the British and Spanish Islands also.

And as the overtures for a permanent system, Mr. Genet's instructions, published by him, explain the object. Privileges of trade in the West India islands are to be the price of our becoming a party in the war. The declamations against the libertine maxims of the ancient Government, and in favor of free principles of commerce, resolve themselves into this. This is a bargain which I trust a majority of this House will not be willing to make. I am sure our constituents would not thank us for it.

But it may be asked, are we to sit with folded arms and tamely submit to all oppressions, restrictions, and exclusions to which our trade is subject; if not, what are we to do? I answer, nothing certainly at the present juncture. If the foundation of the question were more solid than I believe it to be, candidly and dispassionately considered, this is of all moments the most unfavorable for an experiment. Any movement of the kind would, as before observed, be construed into a political manœuvre and an attempt to embarrass one of the belligerent Powers, and would interest the feelings of all those united with her, producing consequently either war or additional trammels in every quarter upon our trade; besides the weighty argument, that the great source of subsidiary supply to which we might have heretofore looked has been obstructed.

But I answer further, that we ought with great caution to attempt any thing at a future day, till we have acquired a maturity which will enable us to act with greater effect, and to brave the consequences, even if they should amount to war, and till we have secured more adequate means of internal supply; to which point we should bend our efforts, as the only rational and safe expedient, in our present circumstances, for counteracting the effects of the spirit of monopoly, which more or less tinctures not the system of Great Britain merely, but that of all Europe. But this it seems is not the favorite course, it is not high seasoned enough for our political palate; we not only turn aside from it with neglect, but we object away the plainest provisions of the Constitution to disable ourselves from pursuing it.

Every year, for years to come, will make us a more important customer to Great Britain, and a more important furnisher of what she wants. If this does not lead to such a treaty of commerce as we desire, the period is not very distant when we may insist with much better effect on what we desire, without any thing like the same degree of hazard. This last observation is not meant to be confined to Great Britain, but to extend to any other Power, as far as the stipulations of treaty may permit.

Wisdom admonishes us to be patient, "to make haste slowly." Our progress is and will be rapid enough, if we do not throw away our advantages. Why should we be more susceptible than all the world? Why should this young country throw down the gauntlet in favor of free trade against the world? There may be spirit in it, but there will certainly not be prudence.

But again it may be asked, shall we put nations, disposed to a more liberal system, upon the same footing with those differently disposed? Will not this tend to produce an unfriendly treatment from all?

I answer, first, that I think it has been proved, the nation against which we have been invited principally to aim our artillery, treats us with at least as much liberality as other nations, I mean in a commercial sense.

I answer, secondly, that if there be nations, who are seriously disposed to establish with us more free and beneficial principles of trade, the path is plain; let treaties be formed, fixing upon a solid basis the privileges which we are to enjoy, and the equivalent. I have no objection to granting greater privileges to one Power than to another, if it can be put on a stable foundation of contract, ascertaining the boon and the equivalent. But I think it folly to be granting voluntary boons at the expense of the United States without equivalent. The mode of treaty secures the ground; it is inoffensive to any third Power. Our reply to objections would in that case be, "here is the price to us clearly defined and fixed by treaty, for which we grant the greater advantages of which you complain: give us the price, and the like advantages are yours." But capriciously to grant greater privileges by law to one nation than to another, when, upon a fair comparison, we are not better

JANUARY, 1794.]

Commerce of the United States.

[H. of R.]

treated by one than by another, is neither equitable, politic, nor safe.

Let us then leave changes for the present to the course of national treaties, and continue to proceed in the path in which we have hitherto found prosperity and safety.

When Mr. SMITH had concluded, the Committee rose, and had leave to sit again.

TUESDAY, January 14.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries; when Mr. MADISON rose in reply to Mr. SMITH, of South Carolina.

Mr. M. began by observing that he had expected, from what was intimated yesterday, the sequel of what was then said against the resolutions before the Committee; but, as there was a silence in that quarter, and no other member has risen on either side of the question, he himself would request the attention of the Committee.

It had been much pressed that, in the discussion of this subject, it should be viewed in its commercial relations only. He was perfectly willing to meet every objection that could be urged on that ground; but, as he conceived it impossible to do full justice to the interests of the United States without taking some collateral considerations into view, he should be obliged, in the course of his remarks, to point at the political disposition and conduct of some of the nations of Europe towards this country.

The propositions immediately before the Committee turned on the question, whether any thing ought to be done at this time, in the way of commercial regulations, towards vindicating and advancing our national interests. Perhaps it might be made a question with some, whether, in any case, Legislative regulations of commerce were consistent with its nature and prosperity.

He professed himself to be a friend to the theory which gives to industry a free course, under the impulse of individual interest and the guidance of individual sagacity. He was persuaded that it would be happy for all nations, if the barriers erected by prejudice, by avarice, and by despotism, were broken down, and a free intercourse established among them. Yet to this, as to all other general rules, there might be exceptions; and the rule itself required what did not exist—that it should be general.

To illustrate this observation, he referred to the Navigation Act of Great Britain, which, not being counterbalanced by any similar acts on the part of rival nations, had secured to Great Britain no less than eleven-twelfths of the shipping and seamen employed in her trade. It is stated that, in 1660, when the British act passed, the foreign tonnage was to the British, as one to four; in 1700, less than one to six; in 1725, as one to nineteen; in 1750, as one to twelve; in 1774, nearly the same. At the commencement of the period, the

tonnage was but 95,266 tons; at the end of it, 1,136,162.

As another illustration, he mentioned the case where two countries happened to be in such a relation to each other, that the one, by discouraging the manufactures of the other, might not only invigorate its own, but transplant the manufacturers themselves. Here the gain would be a clear one, and the effect evidently consistent with the principle of the theory.

To allow trade to regulate itself is not, therefore, to be admitted as a maxim universally sound. Our own experience has taught us that, in certain cases, it is the same thing with allowing one nation to regulate it for another. Were the United States, in fact, in commercial intercourse with one nation only, and to oppose no restrictions whatever to a system of foreign restrictions, they would, of necessity, be deprived of all share in the carriage, although their vessels might be able to do it cheapest, as well as of the only resources for defence on that side where they must always be most exposed to attack. A small burden only in foreign ports on American vessels, and a perfect equality of foreign vessels, with our own in our own ports, would gradually banish the latter altogether.

The subject, as had been remarked on a former occasion, was not an ovel one; it was coeval with our political birth, and has at all times exercised the thoughts of reflecting citizens. As early as the year succeeding the peace, the effect of the foreign policy, which began to be felt in our trade and navigation, excited universal attention and inquietude. The first effort thought of was an application of Congress to the States for a grant of power for a limited time, to regulate our foreign commerce, with a view to control the influence of unfavorable regulations in some cases, and to conciliate an extension of favorable ones in others. From some circumstances then incident to our situation, and particularly from a radical vice in the then political system of the United States, the experiment did not take effect.

The States next endeavored to effect their purpose by separate but concurrent regulations. Massachusetts opened a correspondence with Virginia and other States, in order to bring about the plan. Here, again, the effort was abortive.

Out of this experience grew the measures which terminated in the establishment of a Government competent to the regulation of our commercial interests and the vindication of our commercial rights.

As these were the first objects of the people in the steps taken for establishing the present Government, they were universally expected to be among the first fruits of its operation. In this expectation, the public were disappointed. An attempt was made in different forms, and received the repeated sanction of this branch of the Legislature, but they expired in the Senate—not, indeed, as was alleged, from a dislike to the attempt altogether, but the modifications given to it. It has not appeared, however, that it was ever renewed in a different form in that House, and for some time it has been allowed to sleep in both.

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

If the reasons which originally prevailed against measures such as those now proposed had weight in them, they can no longer furnish a pretext for opposition.

When the subject was discussed in the first Congress, at New York, it was said that we ought to try the effect of a generous policy towards Great Britain; that we ought to give time for negotiating a treaty of commerce; that we ought to await the close of negotiations for explaining and executing the Treaty of Peace. We have now waited a term of more than four years. The Treaty of Peace remains unexecuted on her part, though all pretext for delay has been removed by the steps taken on ours; no treaty of commerce is either in train or in prospect; instead of relaxations in former articles complained of, we suffer new and aggravated violations of our rights.

In the view which he took of the subject, he called the attention of the Committee particularly to the subject of navigation, of manufactures, and of the discrimination proposed in the motion between some nations and others.

On the subject of navigation, he observed that we were prohibited by the British laws from carrying to Great Britain the produce of other countries from their ports, or our own produce from the ports of other countries, or the produce of other countries from our own ports, or to send our own produce from our own or other ports in the vessels of other countries. This last restriction was, he observed, felt by the United States at the present moment. It was, indeed, the practice of Great Britain, sometimes to relax her Navigation Act so far, in time of war, as to permit to neutral vessels a circuitous carriage; but, as yet, the act was in full force against the use of them for transporting the produce of the United States.

On the other hand, the laws of the United States allowed Great Britain to bring into their ports anything she might please, from her own or from other ports, and in her own or in other vessels.

In the trade between the United States and the British West Indies, the vessels of the former were under an absolute prohibition, whilst British vessels in that trade enjoyed all the privileges granted to other, even the most favored nations, in their trade with us. The inequality in this case was the more striking, as it was evident that the West Indies were dependent on the United States for the supplies essential to them, and that the circumstances which secured to the United States this advantage, enabled their vessels to transport the supplies on far better terms than could be done by British vessels.

To illustrate the policy requisite in our commercial intercourse with other nations, he presented a comparative view of the American and foreign tonnage employed in the respective branches of it, from which it appeared that the foreign stood to the American as follows: Spain, 1 to 5; Portugal, 1 to 6; the United Netherlands, 1 to 15; Denmark, 1 to 12; Russia, — to —; France, 1 to 5; Great Britain, 5 to 1.

It results from these facts, that, in proportion as

the trade might be diminished with Great Britain and increased with other nations, would be the probable increase of the American tonnage. It appeared, for example, that, as the trade might pass from British channels into those of France, it would augment our tonnage at the rate of 10 to 1.

The above calculation, he said, had been made out on the documents of 1790, and on the amount of the tonnage entered in the several ports. A document stating the amounts of the actual tonnage in the American trade had just been reported to that House. If this, which was liable to some remarks that might hereafter be made, was to be substituted, it afforded another calculation, diminishing the excess in favor of Great Britain, but augmenting it in favor of the United States in most of the other instances.

According to this calculation, the foreign to the American tonnage might be stated as follows: Spain, 1 to 16; Portugal, 1 to 17; United Netherlands, 1 to 26; Denmark, 1 to 15; Russia, 1 to 14; France, 1 to between 4 and 5; Great Britain, nearly as 3 to 1.

Such a disproportion, taking even the reduced one, in the navigation with Great Britain, was the more mortifying, when the nature and amount of our exports are considered. Our exports are not only, for the most part, either immediately necessities of life, or ultimately as necessities to manufactures, necessities of employment and life to manufacturers, and must thence command a sure market wherever they are received at all, but the peculiar bulkiness of them furnishes an advantage over the exports of every other country, and particularly over those of Great Britain. If such an advantage belonged to that nation, the policy which governs her navigation laws would probably have given the exclusive carriage to her own bottoms. It is equally in our power, if so selfish a principle should be forced upon us, to secure to our bottoms the same monopoly, leaving to other nations with which we trade the like exclusive carriage of their exports. The regulation would, to be sure, be mutually inconvenient; and, by forcing the vessels of each party to return empty from foreign markets, be so far a tax on the intercourse. This effect, however, did not disprove the power in general which the character of our exports gave us over the carriage of them, nor lessen the argument drawn from it. Examine it in relation to Great Britain. The bulk of her exports to us, compared with that of ours to her, is as nothing. An inconsiderable quantity of shipping would suffice for hers, whilst ours can load about 222,000 tons. Including the articles she exports from the West Indies to this country, they bear no proportion to ours. Yet, in the entire trade between the United States and the British Dominions, her tonnage is to that of the United States as 156,000, employing 9,360 seamen, to 66,000, employing 3,690 seamen. Were a rigid exertion of our right to take place, it would extend our tonnage to 222,000, and leave to Great Britain employment for much less than the actual share now enjoyed by the United States. It could not be wished to push matters to this extremity. It showed, how-

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

ever, the very unequal and unfavorable footing on which the carrying trade, the great resource of our safety and respectability, was placed by foreign regulations, and the reasonableness of peaceable attempts to meliorate it. We might, at least, in availing ourselves of the merit of our exports, contend for such regulations as would reverse the proportion, and give the United States the 156,000 tonnage and 9,360 seamen, instead of the 66,000 tonnage and 3,690 seamen.

He here adverted to the discount of ten per cent. on the duties paid by goods imported in American bottoms, remarking that it was not founded on the true policy of encouraging our shipping. It was not the imports, but the exports, that regulated the quantity of tonnage. What was imported in American vessels, which would otherwise return empty, was, no doubt, a benefit to the American merchant, but could slightly only, if at all, increase the mass of our tonnage. The way to effect this was to secure exportations to American bottoms.

Proceeding to the subject of manufactures, he observed that it presented no compensations for the inequalities in the principles and effects of the navigation system.

We consume British manufactures to double the amount of what Britain takes from us, and quadruple the amount of what she actually consumes.

We take everything after it has undergone all the profitable labor that can be bestowed on it. She receives, in return, raw materials, the food of her industry. We send necessities to her. She sends superfluities to us. We admit everything she pleases to send us, whether of her own or alien production. She refuses not only our manufactures, but the articles we wish most to send her—our wheat and flour, our fish, and our salted provisions. These constitute our best staples for exportation, as her manufactures constitute hers. It appeared, by an authentic document he had examined, that of the manufactured articles imported in 1790, amounting to \$15,295,638 97, we received from and through Great Britain \$13,965,464 95. During the same year the manufactures imported from France, the next great commercial country, and consuming more of our produce than Great Britain, amounted to no more than \$155,136 63. To give a fuller view of our foreign commerce, he stated the balances with the several nations of Europe and their dominions, as follow: Spain, \$1,670,797 in favor of the United States; Portugal, \$1,687,699 in favor of the United States; United Netherlands, \$791,118 in favor of the United States; Sweden, \$32,965 in favor of the United States; Denmark, \$126,949 against the United States; France, \$2,630,387 in favor of the United States; Great Britain, \$5,922,012 against the United States. This enormous balance to Great Britain is on the exports to her. On her consumption the balance is still greater, amounting to nine or ten millions; to which again is to be added her profits on the re-exports in a manufactured and raw state. It might be said that an unfavorable balance was no proof of an unfavora-

ble trade; that the only important balance was the ultimate one on our aggregate commerce. That there was much truth in this general doctrine was admitted; at the same time it was equally certain that there were exceptions to it, some of which were conceived to be applicable to the situation of the United States. But whether the doctrine were just or not, as applied to the United States, it was well known that the reasoning and practice of other countries were governed by a contrary doctrine. In all of them an unfavorable balance, to be paid in specie, was considered as an evil. Great Britain, in particular, had always studied to prevent it as much as she could. What, then, may be the effect on the policy of a nation with which we have the most friendly and beneficial relations, when it sees the balance of trade with us not only so much against her, but all the specie that pays it flowing immediately into the lap of her greatest rival, if not her most inveterate enemy. As to the discrimination proposed between nations having and not having commercial treaties with us, the principle was embraced by the laws of most, if not all the States, while the regulation of trade was in their hands. It had the repeated sanction of votes in the House of Representatives, during the session of the present Government at New York. It has been practised by other nations, and in a late instance against the United States. It tends to procure beneficial treaties from those who refuse them, by making them the price of enjoying an equality with other nations in our commerce. It tends, as a conciliatory preference, to procure better treaties from those who have not refused them. It was a prudent consideration, in dispensing commercial advantages, to favor rather those whose friendship and support may be expected in case of necessity, than those whose disposition wore a contrary aspect. He did not wish to enter at present, nor at all, if unnecessary, into a display of the unfriendly features which marked the policy of Great Britain towards the United States. He should be content to lay aside, at least for the present, the subject of the Indians, the Algerines, the spoiliations, &c.; but he could not forbear remarking generally, that if that, or any other nation were known to bear us a settled ill will, nothing could be more impolitic than to foster resources which would be more likely to be turned against us than exerted in our favor. It had been admitted, by the gentleman who spoke yesterday, [Mr. SMITH, of South Carolina,] to be a misfortune that our trade should be so far engrossed by any one nation as it is in the hands of Great Britain. But the gentleman added nothing to alleviate the misfortune, when he advised us to make no efforts for putting an end to it. The evils resulting from such a state of things were as serious as they were numerous. To say nothing of sudden derangements, from the caprice with which Sovereigns might be seized, there were casualties which might not be avoidable. A general bankruptcy, which was a possible event in a nation with which we were so connected, would reverberate upon us with a most dreadful shock. A partial

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

bankruptcy had actually and lately taken place, and was severely felt in our commerce. War is a common event, particularly to Great Britain, and involves us in the embarrassments it brings on our commerce, whilst ours is so disproportionately interwoven with it. Add the influence that may be conveyed into the public counsels by a nation directing the course of our trade by her capital, and holding so great a share in our pecuniary institutions, and the effect that may finally ensue on our taste, our manners, and our form of Government itself. If the question be asked, What might be the consequence of counter efforts, and whether this attempt to vindicate our public interests would not produce them? his answer was, that he did not in the least apprehend such a consequence, as well because the measure afforded no pretext, being short of what was already done by Great Britain in her commercial system, as because she would be the greatest sufferer from a stagnation of the trade between the two countries if we should force on such a crisis. Her merchants would feel it. Her navigation would feel it. Her manufactures would feel it. Her West Indies would be ruined by it. Her revenue would deeply feel it. And her Government would feel it through every nerve of its operations. We, too, should suffer in some respects, but in a less degree; and, if the virtue and temper of our fellow-citizens were not mistaken, the experiment would find in them a far greater readiness to bear it. It was clear to him, therefore, that if Great Britain should, contrary to all the rules of probability, stop the commerce between the two countries, the issue would be a complete triumph to the United States. He dwelt particularly on the dependence of British manufactures on the market of the United States. He referred to a paper in Anderson's History of Commerce, which states the amount of British manufactures at £31,310,000 sterling, and the number of souls employed in, and supported by them, at 5,250,000. Supposing the United States to consume two and a half millions of British manufactures, which is a moderate estimate, the loss of their market would deprive of subsistence 250,000 souls. Add 50,000, who depend for employment on our raw materials: here are 300,000 souls who live by our custom. Let them be driven to poverty and despair by acts of their own Government, and what would be the consequence? Most probably an acquisition of so many useful citizens to the United States, which form the natural asylum against the distresses of Europe. But whether they should remain in discontent and wretchedness in their own country, or seek their fortunes in another, the evil would be felt by the British Government as equally great, and be avoided with equal caution.

It might be regarded (he observed) as a general rule, that, where one nation consumed the necessities of life produced by another, the consuming nation was dependent on the producing one. On the other hand, where the consumption consisted of superfluities, the producing nation was dependent on the consuming one. The United States were in the fortunate situation of enjoying both

these advantages over Great Britain. They supply a part of her dominions with the necessities of life; they consume superfluities which give bread to her people in another part. Great Britain, therefore, is under a double dependence on the commerce of the United States. She depends on them for what she herself consumes; she depends on them for what they consume. In proportion as a nation manufactures luxuries must be its disadvantage in contests of every sort with its customers. The reason is obvious. What is a luxury to the consumer is a necessary to the manufacturer. By changing a fashion or disappointing a fancy only, bread may be taken from the mouths of thousands whose industry is devoted to the gratification of artificial wants. He mentioned the case of a petition from a great body of buckle makers, presented a few years ago to the Prince of Wales, complaining of the use of strings instead of buckles in the shoes, and supplicating his Royal Highness, as giving the law to fashions, to save them from want and misery by discontinuing the new one. It was not (he observed) the Prince who petitioned the manufacturers to continue to make the buckles, but the manufacturers who petitioned their customer to buy them. The relation was similar between the American customers and the British manufacturers; and if a law were to pass for putting a stop to the use of their superfluities, or a stop were otherwise to be put to it, it would quickly be seen from which the distress and supplications would flow. Suppose that Great Britain received from us alone the whole of the necessities she consumes, and that our market alone took off the luxuries with which she paid for them: here the dependence would be complete, and we might impose whatever terms we please on the exchange. This, to be sure, is not absolutely the case; but, in proportion as it is the case, her dependence is on us. The West Indies, however, are an example of complete dependence. They cannot subsist without our food. They cannot flourish without our lumber and our use of their rum. On the other hand, we depend on them for not a single necessary, and can supply ourselves with their luxuries from other sources. Sugar is the only article about which there was ever a question; and he was authorized to say that there was not, at the most, one-sixth of our consumption supplied from the British islands. In time of war or famine the dependence of the West Indies is felt in all its energy. It is sometimes such as to appeal to our humanity as well as our interest for relief. At this moment the Governor of Jamaica is making proclamation of their distresses. If ever, therefore, there was a case where one country could dictate to another the regulation of trade between them, it is the case of the United States and the British West Indies. And yet the gentleman from South Carolina [Mr. SMITH] had considered it as a favor that we were allowed to send our provisions in British bottoms, and in these only, to the West Indies. The favor, reduced to plain language, in the mouth of their planters, would run thus: We will agree to buy your provisions rather than

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

starve, and let you have our rum, which we can sell nowhere else: but we reserve out of this indulgence a monopoly of the carriage to British vessels. With regard to revenue, the British resources were extremely exhausted, in comparison with those of the United States. The people of Great Britain were taxed at the rate of 40 shillings a head, the people of the United States at not more than 6 shillings a head—less than one-sixth of the British tax. As the price of labor, which pays the tax, is double in the United States to what it is in Great Britain, the burden on American citizens is less than one-twelfth of the burden on British subjects. It is true, indeed, that Britain alone does not bear the whole burden. She levies indirect taxes on her West Indies and on her East Indies, and derives, from an acquiescence in her monopolizing regulations, an imperceptible tribute from the whole commercial world. Still, however, the difference of burden in the two countries is immense. Britain has, moreover, great arrears of unfunded debts. She is threatened with defects in her revenue, even at this time. She is engaged in an expensive war, and she raises the supplies for it on the most expensive terms. Add to the whole, that her population is stationary, if not diminishing, whilst that of the United States is in a course of increase beyond example. Should it still be asked whether the impost might not be affected, and how a deficiency might be supplied, he thought sufficient answers might be given. He took for granted that the articles subjected to the additional duties would continue to come according to the demand for them; and believed, if the duties were prudently adjusted, the increase of the duties would balance the decrease of importation. Our country is able to import, and probably will import, in proportion to our exports. Our exports amount, say, to twenty millions of dollars. If we import less from one country, we shall import more from another. If we import less of some things, we shall import more of other things; and according to our imports will be our revenue. Suppose Great Britain to make the rash and improbable experiment of prohibiting all commerce with the United States. She does not consume more than one-fourth of our exports, and we derive, perhaps, nearly half of our revenue from the productions of other countries. In this point of view, we should, at the worst, have three-fourths of our exports to pay for our reduced imports, and consequently a balance of about five millions of specie flowing into our country. The faculty which this would give to operations of revenue together with the consideration that the labor employed on one-fourth of our ordinary exports would be employed for internal purposes, might assure us that a judicious Government would easily be able to provide the means of supplying the deficiency of impost.

But it was superfluous to enter into calculations of this sort. He recurred to the utter improbability that such a contingency should happen. He was fully persuaded that the resolutions, if agreed to, would not impair the revenue.

It is objected, that Spain and Portugal, who are

good customers to us, and the latter particularly friendly, having no commercial treaty with us, will come within the operation of the resolutions.

Several answers may be given to this objection.

1. They do not manufacture the articles in question, so as to be sensibly affected.

2. They employ but little tonnage in our trade: Spain, 2,689 tons only; Portugal, 2,340 tons only. They are supposed to be little anxious to increase the foreign branches of their carrying trade, being content with the internal trade carried on with their own dominions. As they have no Navigation Act within the purview of the resolutions, they would not be exposed to the retaliating clauses on that subject.

3. If friendly, they can be admitted to treaty on equitable conditions whenever they please.

4. They can easily be excepted, if thought expedient, either by a general proviso that the resolutions shall not extend to nations having no Navigation Act such as is therein described, or by providing that they shall not extend to countries south of Cape Finisterre, a distinction familiar to the British Statute Book.

It is said that Great Britain treats the United States as well as she treats other nations, and, therefore, they ought to be satisfied.

If other nations were willing to bear unequal regulations, or unable to vindicate their rights, it was no example for us.

But is it true that the same degree of reciprocity subsists between the United States and Great Britain, as between Great Britain and other countries? He did not admit this to be the case. Where treaties existed, they stipulated, in many instances, mutual and equal conditions of intercourse. He gave an example in the treaty of Methuen, in which the admission of British woollens by Portugal was balanced by the admission of Portugal wine by Great Britain. The treaty with France, of late date, was another example, where a variety of reciprocal privileges and countervailing duties were minutely provided for. Where no treaties existed, or where they were silent, there were often legal regulations reciprocating the regulations of Great Britain. He referred to the laws of Sweden and Denmark, on the subject of manufactures, as instances.

It is said Great Britain treats us as well as other nations treat us. What nation, he asked, had such a Navigation Act? What nation besides excludes us from a circuitous trade? What nation excludes us from carrying our own commodities in our own bottoms, where the carriage is allowed to her bottoms?

It is said, that at least Great Britain treats us as well as we are treated by France, who will be favored by the resolutions. This point was particularly labored yesterday by the gentleman from South Carolina, [Mr. SMITH,] who made a comparison of those two countries the principal basis of the discussion. As they were, in fact, the two countries which stood in the most important relations to the United States, the subject required a pretty accurate view of their respective dispositions, regulations, and intercourse, with this country.

On the subject of the dispositions of France and Great Britain towards the United States, the gentleman [Mr. SMITH] was of a very different opinion (Mr. M. observed) from that expressed in the Message of the PRESIDENT. The Message informed the House that France had generally manifested a friendly disposition towards the United States; had granted advantages to their commerce, and had actually made overtures for placing it permanently on a better footing; while the language of the communication with respect to Great Britain sufficiently proves that there was no room for compliments of a like kind to that nation.

He meant to show, however, from a particular review, in what light the two nations stood to us; and for that purpose should submit to the Committee a comparative statement, as the gentleman had done, of their commercial policy towards us.

He premised, however, that he could not follow the example of recurring to a period antecedent to the French Revolution for evidence in relation to France. Mr. SMITH seemed to think that the order of things subsequent to that period could not be regarded as a settled order. He, [Mr. M.] on the contrary, considered it as the only settled order. He hoped and believed that the Revolution was not a fugitive thing, as some might wish, but that it was irreversibly established; and that the new Republic would flourish forever on the ruins of the ancient Monarchy. He should not, however, he said, reject from his inquiry, what was done previous to the date of the Republic in favor of the United States, because it could not be reasonably supposed that the disposition of the nation would be less favorable now than it was under the former Government.

He then proceeded to a view of the footing on which the commerce stood with the British and French Dominions.

Wheat and Flour.—In France, free; that is to say, under a duty of one-eighth per cent. as a Custom-house regulation, merely for ascertaining the quantity imported. This remark is to be applied to several other articles which will be mentioned as free.

In Great Britain, wheat and flour are prohibited, until the price is up at 6s. 3d. sterling a bushel; which, as to the United States, may be deemed a perpetual prohibition.

In the French West Indies these articles are also free; and, as he at first stated, by a general law, which had been suspended from time to time; but, being told that he was mistaken, the articles being prohibited by a general law, and free only by suspensions, he said that, although his documents gave him other information, he should leave the fact for further examination; adding, however, that it was not essential, as the actual practice and disposition of France on this subject were chiefly to be regarded.

In the British West Indies these articles were free, but in British bottoms only.

Rice.—In France, free. In Britain, under a duty of 7s. 4d. sterling the hundred. In the French Islands, under a duty of one per cent. In the British, free, in British bottoms.

Salted fish.—In France, under a duty of eight livres the quintal. In Britain, prohibited. In French Islands, admitted under some discouragements, which did not, however, prevent a great consumption. In the British Islands prohibited.

Salted beef.—In France, under a duty of five livres a quintal. In Britain prohibited. In French Islands, under a duty of one per cent. and three livres a quintal. In British Islands, prohibited.

Salted pork.—In France, under a duty of five livres a quintal, in some ports; prohibited in others. In Britain, under a prohibitory duty of 44s. 9d. a quintal. In the British and French Islands, prohibited.

Indigo.—In France, under a duty of five livres a quintal. In Britain, free. In the British and French Islands, prohibited.

Whale oil. In France, under a duty of seven livres ten sols a barrel, of 520 pounds. In Britain, under a duty of £18 3s. a ton. In both West Indies prohibited.

Tar, pitch, and turpentine.—In France, under a duty of two per cent. In Britain, under duties, tar and pitch 11d. per barrel; turpentine 2s. 3d. per 100 pounds.

Tobacco is on a footing pretty similar in the two countries. So are wood, pot and pearl ashes, and flaxseed.

Indian corn, wood, live animals, (except horses and mules, which are free,) in the French Islands pay a duty of one per cent. In the British, they are free in British bottoms; prohibited in American bottoms.

Ships.—In France, free to be naturalized. In Britain, prohibited.

He proceeded to state the comparative amount of our exports and imports in the commerce with the two nations, and the balances on them, as before shown. He noticed particularly the excess of the exports to the French West Indies, which amounted to \$3,281,656 over those to the British, which amounted to \$2,357,583; observing the importance of that market, and the more especially as it supplies the article of molasses, the only raw material imported into the United States, and otherwise so much valued as an article of consumption. He adverted also to the superior proportion of American tonnage in the trade with the French dominions, as had also been before shown.

From this review, he left the Committee to infer the true policy of the United States with regard to their commerce in its two most considerable branches. He thought it clear that, in every view, it was incumbent on the United States to cultivate the connexion and intercourse with the French nation. As a market for our produce, their vast population, and their use of our articles of mere consumption, were peculiarly previous to our agriculture. They could do better without our trade than Great Britain; yet, they showed more disposition to favor it. And what was by no means to be disregarded, they were the only considerable Power on the face of the earth sincerely friendly to the Republican form of Government established in this country.

Of all the objections which Mr. M. had heard

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

suggested against the resolutions, the most extravagant and chimerical was the idea of a war with Great Britain in consequence of them. He was at a loss to say whether such an objection were a greater insult to the character of that nation or to the understanding of America. At the utmost, the propositions go only to a reciprocity. They do not in fact go so far. On what imaginable pretext, then, can Great Britain make war upon us? If we were no longer Colonies, but independent States, we surely can do what all independent States do—regulate our trade as may suit our own interests; and Great Britain can have the least right of any nation to complain of it, because it is her own example which we follow. If war, therefore, should be made on us, it would only prove a fixed predetermination to make it; and in that case pretenses more plausible than any commercial regulations could easily be found or framed for the purpose.

The next ground on which he examined the subject was its operation among the several parts of the Union. It was admitted, and regretted, that the immediate benefits and burdens would not be equally distributed among all the States. More than a due share of the former would flow to the Northern division; more than a due share of the latter would fall on the Southern. This was unavoidably produced by the unequal advances made in manufactures and navigation; and it was an inconvenience that had necessarily taken place in a variety of other instances. It would be found, however, on a fair attention to the subject, that the inequality would be less than at first appeared.

With respect to manufactures, the Southern States were at least equally interested in encouraging and distributing a competition for our market, among different nations of Europe, instead of being so much in the hands of a single one.

The duty on the finer articles imported would fall on those most able to bear it; and would be pretty equally diffused through the Union.

The duty on the coarser articles would be saved in proportion to the progress made in manufactures among ourselves; and he was able to say, with great pleasure, that those carried on, not in public factories, but in the household or family way, which he regarded as the most important way, were nearly, if not quite, as far advanced in the Southern country as in the Middle and Northern. Virginia was proceeding with great spirit in this branch of industry. North Carolina, he understood, was doing the same; and there was no reason why the more Southern States would not avail themselves of the resource, especially as they enjoyed superior advantages in the article of cotton, a primary material for the business.

The exports would not be materially affected, unless Great Britain should, contrary to all probability, renounce the benefits of the trade in them, and expose her West India Islands to the danger of famine; and in that case the inconveniences would not be local, but general.

Even in the article of tonnage, the inequality at present, though considerable, was not so great as he had imagined, before he examined the real

state of it. It appeared, from the official reports lately made on that subject, that the States South of Pennsylvania (which has about her due share) have within one-third of their due quota. Georgia has more than her share; South Carolina has nearly her share; North Carolina has three-eighths below her share; Virginia has about half her share; Maryland has more than her share; Delaware less than her share.

This computation is not, perhaps, very accurate, because it is founded on the relative population of the States. It should rather have reference to the value and volume of the produce exported from the several States; but as several of them carry on their trade through their neighbors, this rule of calculation would, in fact, be more uncertain than the other.

Whatever be the rule, Virginia, he remarked, was the State that appeared most deficient; her exports, both in value and bulk, being in full proportion to her population, and her tonnage being more short of that than could be said of any State. He had every reason, notwithstanding, to believe that the great body of the people of Virginia would cheerfully concur in any temporary sacrifices that might be necessary, to vindicate our public rights and our commercial interests.

It was a consideration that ought to have great weight with the Southern States, that a home market for their naval stores would be extended by every measure favoring our own navigation; and that they must soon begin themselves to turn to effect their natural advantages for ship-building. Having the materials on the spot, they would not be long in imitating their Northern brethren. North Carolina was singularly favored in this particular. There was not a single article used in the various component parts of a ship which she did not possess, or could not raise within herself.

The capacity of the United States to provide, with celerity, for the transportation of her produce was strongly attested by what they had effected before the Revolution. In the marine of the British Empire, whilst the United States were part of it, the American-built ships were to the British-built, as twenty-three to forty. New England furnished about three-fifths of the former.

In two points of view, the Southern States were peculiarly interested in promoting our navigation:

1. As they are, in some respects, the weaker part of the Union, and have most wealth exposed on the sea, they have most need of that protection which results from extensive marine resources. The existence of these will either prevent attack, or can readily be turned into the means of repelling it.

2. As they have so much valuable and bulky produce to carry to market, it is their interest to possess a conveyance for it, that they may be as little affected as possible by the contingencies and wars of other nations; and particularly of Great Britain, a nation which is so frequently at war, and which has so disproportionate a share in our carrying trade. This subject, he said, had been placed in so striking a view by the Secretary of State, in a former report on the fisheries, that he

should rely on the patience of the Committee in reading the observations and calculations to which he alluded. He here read the following note at the end of that report:

"That the encouragement of our carrying business is interesting, not only to the carrying States, but in a high degree also to the others, will result from the following facts:

The whole exports of the United States may be stated at - - - \$25,000,000

Great Britain carries two-fifths of these in value, that is to say - 10,000,000

Freight and insurance on this, in times of peace, are about twenty-two and one-half per cent. - 2,250,060

The same charges in war are very various, according to the circumstances of the war; we may say, however, fifty-five per cent. - 5,500,000

The difference between peace and war freight and insurance, then, is annually - - - 3,250,000

Taxed on our agriculture by British wars, during their continuance, and our dependence on British bottoms.

Of the last one hundred years, Great Britain has had forty-two years of war and fifty-eight of peace, which is three of war to every four of peace, nearly, as shown in the following table:

PEACE.		PERIODS OF TIME.	WAR.	
Years.	Months.		Years.	Months.
4	8	1749, May, - 1697, September - 1702, May - 1712, August - 1718, December - 1721, June - 1727, March - 1727, May - 1734, October - 1743, May - 1753, June - 1762, November - 1778, June - 1758, March - 1789, May -	8	4
0	4		10	3
5	8		2	6
12	4		0	2
7	0		8	7
15	7		7	5
6	2		4	9
57	9		42	0

In every term of seven years, then, we pay three times three million two hundred and fifty thousand dollars, or nine million seven hundred and fifty thousand dollars, which, averaged on the years of peace and war, are annually and constantly one million three hundred and ninety-two thousand eight hundred and fifty-seven more than we should, if we could raise our own shipping, to be competent to the carriage of all our productions. Besides this, many of our bulky articles, not bearing a war freight, cannot be exported if exposed to that; so that their total loss is to be added to that before estimated."

This was a demonstration of the interest the United States had, particularly the Southern States, in obtaining an independent transportation for their commodities; and the effect of the present war, to which Britain is a party, in depriving

them of the ordinary foreign resource, is bringing the evidence home to their feelings at the present moment.

It had been asked, what ground there was for concluding that Great Britain would be led, by the measures proposed, to change her policy towards the United States. He thought we had the best ground for relying on such an effect.

It is well known that, when she apprehended such measures would be taken, she manifested a readiness to admit a greater reciprocity into the commerce between the two countries. A bill for the purpose was brought into the House of Commons by the present Minister, Mr. PITT, and would probably have passed into a law, if hopes had not sprung up that they should be able to maintain their exclusive system. Knox, an under Secretary, appears, from a collection of papers published by him, to have been the chief adviser in the Cabinet, as Lord Sheffield was the great champion before the public of this experiment. It was founded, according to both these witnesses, on a belief, 1st, that Nova Scotia and Canada would soon be able to feed the West Indies, and thereby make them independent of supplies from the United States. 2d. That the General Government was so feeble that it could not execute a plan of retaliating restriction; and, 3d. That local interests and prejudices predominated so much among the States, that they would never even agree in making an attempt.

It is now thoroughly understood and admitted by the most biassed judges, that the British Continental Colonies cannot supply the Islands; that, as well as the Islands, they depend frequently for essential supplies on the United States. This calculation, therefore, has failed Great Britain.

The next has been completely destroyed by the change of our former frail Confederacy into a Government which is found to be adequate to all its national objects. This hope has, therefore, in like manner failed.

The only remaining hope that can induce Great Britain to persevere in the plan of conduct she has adopted towards the United States lies in the supposed difficulty of reconciling their different interests and local prejudices. The present occasion will decide whether this hope, also, shall be withdrawn from her; or whether she is to be inspired with fresh confidence in pursuing her own interests, without a due respect either for our interests or for our rights.

He could not but view the present as, perhaps, the final chance of combining the opinions and interests of the several quarters of the Union in some proper and adequate plan. If, at a moment when so many occurrences conspire to unite the public councils, when the public mind is so well disposed to second all equitable and peaceable means of doing justice to our country, and when our commerce is so critically important to the vital resources of Great Britain, it should be found that nothing can be done, he could foresee no circumstances under which success was to be expected. To reject the propositions, therefore, whilst nothing better was substituted, must con

JANUARY, 1791.]

Commerce of the United States.

[H. or R.]

vey the most unfavorable impressions of our national character, and rivet the fetters on our commerce, as well as prolong other causes which had produced such injurious consequences to our country. He would not permit himself to apprehend that such would be the event of the deliberations of the Committee.

When Mr. MADISON had concluded, the Committee rose, and had leave to sit again.

WEDNESDAY, January 15.

A petition of Lieutenant Colonel Tousard was presented to the House and read, praying that such a sum of money may be paid him, in lieu of the pension during life, granted by a resolution of the late Congress, as may be deemed equitable and proper.

Ordered, That the said petition be referred to Mr. SAMUEL SMITH, Mr. THATCHER, and Mr. LEARNED; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Philip Audebert and others, clerks in the War Office, was presented to the House and read, stating the insufficiency of the salaries allowed them by law, and praying that the same may be augmented and rendered more adequate to their services.

Ordered, That the said petition be referred to Mr. MADISON, Mr. FOSTER, and Mr. GRIFFIN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House that the Senate have passed a resolution proposing to the several States the following article of amendment to the Constitution of the United States, to wit: "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State;" to which resolution they desire the concurrence of this House, in the mode prescribed by the Constitution of the United States.

The said resolution was read the first time.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you, as being connected with the correspondence already in your possession, between the Secretary of State and the Minister Plenipotentiary of the French Republic, the copy of a letter from that Minister, of the 25th of December, 1793; and a copy of the proceedings of the Legislature of the State of South Carolina.

G. WASHINGTON.

UNITED STATES, January 15, 1794.

The said Message and papers were read, and ordered to lie on the table.

Mr. BOUDINOT, from the committee appointed to examine the Laws of the United States, and report to the House such as have expired, or will

expire before the next session, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee on the petition of Ephraim Kimberly, which was made on the 18th of February last; and, the same being read,

Ordered, That the said report be referred to Mr. HILLHOUSE, Mr. ORR, and Mr. SMILIE, with instructions to prepare and bring in a bill or bills pursuant thereto.

COMMERCE OF THE UNITED STATES.

A proposition being made to go into a Committee of the Whole on Mr. MADISON's resolutions—

Mr. AMES wanted to have the printed state of the negotiation between Great Britain and the Federal Government respecting a Treaty of Commerce; and likewise a paper from the Secretary of State, which the House had ordered to be got ready and be printed some days ago. He wished gentlemen not to be in a hurry in deciding on a subject of such prodigious consequence as these propositions. He wished to defer going into a Committee until the papers could be had.

Mr. MADISON said, that it was somewhat singular that an objection should be made to the going into a Committee for the want of these papers. This want ought to have been stated on Monday. As to the idea of a friendly disposition on the part of Britain for entering into a Treaty of Commerce, he was convinced that Britain had no disposition that way. This he inferred from some passages in the Speech of the PRESIDENT, which were, at his desire, read by the Clerk. He trusted that the House would not hesitate in resolving itself into a Committee of the Whole immediately in order to discuss the propositions.

Mr. AMES thought it requisite to have the papers laid before the Committee which had been directed to be printed. He said there never had been an instance of any subject of the kind being pushed forward as the present. Such was the vastness and complexity of the evidence, and some parts of it were so obscure, that it was impossible for the House to have yet found leisure for embracing a well-founded opinion. The gentleman who spoke last had said that the papers called for could be of no consequence in discussing the resolutions. This assertion was in itself a very proper reason for printing the papers, that the gentleman, by having an opportunity of reading them, might be convinced of their importance. Mr. A. said that he believed there was an amicable disposition on the part of Britain. He grounded his assertion on an acknowledgment that had been made some time ago by one of the British Ministers, in Parliament, who said, that he expected soon to lay before that House a Commercial Treaty between Great Britain and America. The gentleman had said that we should found our measures on the dispositions of the several Powers of Europe toward us. That was right. But it was requisite to be informed of these dispositions before forming these resolutions.

The House then went into Committee.

Mr. FORREST, after a long pause, observed, that

as no other person appeared disposed to rise on the occasion, although he felt himself unequal to doing that justice to the subject which many others were; yet he considered it his duty to offer a few remarks which had occurred to him in the course of the debate.

In all our discussions of commercial affairs, the principal point to be kept in view was the promotion of the essential and permanent interests of our country, keeping in mind this maxim (as true in respect to nations as individuals,) that there is no friendship in trade. He then entered into a consideration of our commercial connexion with Great Britain, and observed, that we should avoid letting our former prejudices, or those arising from recent transactions, influence our judgments. We should not regard the favoring of the French or British nation, but study to do that which would tend to the promotion of our own commerce and the interest of our own navigation. In this pursuit, we must keep in view our relative situation with European nations, particularly those of France and Great Britain, and more particularly the latter, with whom the proposed resolutions contemplate a change. Of all possible times, (said he,) I believe this the most improper to try the experiment.

If the British Government have been instrumental in letting the Algerines loose upon us; if their privateers commit acts of piracy upon our neutral flag, let it at least, in the first instance, be made matter of negotiation. Neutral nations must suffer some inconvenience; and it will be much better policy to come forward at once and say we are at war. We will not submit to vexatious insults, when they are too much to suffer, rather than make this commercial warfare, by which it is impossible, in the course of human events, but that we must be much the greatest sufferers; and how humiliating would it be, after trial, even to propose to make it a drawn battle!

Let us examine the subject. Of the whole fair trade of Great Britain, taking their imports and exports into view, their trade with the United States will be found to be one-sixth, or thereabouts. Take the imports and exports of the United States, and you will find that full one-half the value of our whole trade is with Great Britain and her dependencies. Who will suffer most? She, by the interruption of one-sixth, with the means of getting most of the articles we supply, on as good terms, from other nations, with great internal sources of revenue, and a people used to bear any taxes asked of them; or we, with an interruption of one-half our trade and commerce, not so well off with respect to internal resources, and the complaints of our citizens, not accustomed to heavy taxation? Let those who rely upon the effect it will have on the English manufacturers and artisans, look back to 1773 and 1774, and recollect the effect it then had.

But there is one circumstance that should have weight with every mind. It will be found that three-fourths of all the impost revenue of this country is derived from our commerce with the British. Shall we hazard an entire loss of this

revenue? And if lost or greatly interrupted, from whence shall we supply its deficiency, without, at least, in their minds, oppressing the people of this country? I am not a stockholder or a bankholder. I am too poor to be either, and therefore cannot have no separate interest in view, and, where I am known, I shall not be charged with partiality to Great Britain; but I hope I am free from such unwarrantable prejudices as to lead me into measures to the injury of my country.

I lay it down as a principle not to be controverted, that our intercourse with Great Britain, in a commercial point, (I mean, putting the mode of carriage out of account, and confining it to the importation and exportation, and restrictions and bounties thereon,) is as favorable as we can expect, and, taken in the aggregate, full as favorable as with France, their Navigation Act excepted.

With respect to navigation, I have long thought it ought not to be submitted to; but are we to expect, at a moment like this, acting (as they will certainly believe we shall) under the impulse of resentment, they will waive an atom of their Navigation Act to the result of our resolutions? It is vain. Let us not hazard that which is certain, which the safeguard of experience has proved, for that we know not of.

It has been mentioned as a grievance that our produce is sent to France, Holland, Spain, Portugal, &c., and that our imports are, in a great degree, confined to Great Britain. Our merchants must pay their debts, and surely it is for their interest to sell their articles for the highest price they will bring, and purchase where they can obtain cheapest. Our produce is sent to those countries to pay our debts in Great Britain.

There has been nothing to lead me to a judgment how the blanks are to be filled. If, with such high duties as to prohibit the articles, our chief source of revenue will be wiped off, and the consequence may, nay, must be, direct taxation. If low, it will only exhibit, without gratifying, a resentment, and the consumers of these articles, the yeomanry of this country, will have to pay the tax. If it is said that it is intended to encourage our own factories, let us select those which we can manufacture, and lay prohibitory duties on the foreign articles.

Mr. F. rebated the idea of suffering partial or merely political motives to influence in the discussion of the subject. Commercial subjects ought to be considered in an independent point of view. He hoped, therefore, that the Committee would endeavor to divest themselves of every incidental impression, originating in impulses from particular events, and contemplate the question simply on its own merits.

Mr. FITZSIMONS declared that, in the course of this discussion, he had not heard one single argument advanced which, admitting the premises to be true, could persuade him to give his consent to the first of the resolutions. It was possible that he might agree to some of those that followed. He was perfectly convinced that a judicious system of regulations would be of infinite advantage to the maritime interest of America. He was of

opinion that the first resolution was by far too indefinite. The substance of the whole arguments advanced on both sides tended only to establish a fact, which was already perfectly well known, that the Governments of Europe act, in regard to the commerce of the United States, just as they think proper. The lesson was a very good one, and he trusted that, with a proper attention to temporary circumstances, this country would improve by it.

Mr. MADISON regarded the objection of the gentleman as entirely of a new kind. He had refused his consent to the first of the resolutions, because it was indefinite. But the propositions laid before the House a few days ago with respect to the Algerines were fully as indefinite, and yet the gentleman who spoke last had recommended them. The order of proceedings in the present question is perfectly candid and regular, consonant to the practice of the House and the practice of the gentleman himself.

Mr. S. SMITH, after a few introductory observations, said, the object of the resolution is, to lay an extra duty on goods from Powers not in treaty with the United States. These duties will operate as a bounty, say, for calculation, of five per cent., in favor of those Powers with whom we have a treaty of commerce; for experience has shown that those nations cannot supply us on terms so favorable as that with whom no treaty exists. It is a subject, then, of fair inquiry, what advantages we enjoy from those nations we are in treaty with, to induce us to grant them such bounty; and what are the disadvantages which result from those treaties?

The United States have a commercial treaty with France, Holland, Prussia, and Sweden. What are the commercial advantages? The advantages in the treaties most useful to us are, that free ships make free goods; and this is to be reciprocal. We have seen that this stipulation has been violated whenever the necessity of the case, in their opinion, made it useful to France. The disadvantages of those treaties are, their prizes coming into our ports, and their armed vessels cruising on our coasts. It appears, then, that we have no advantages given us by those treaties sufficient to induce us to lay a tax of five per cent. on \$17,000,000 of importations, from Powers not in treaty with us, say \$350,000 per annum, to act as a bounty on the manufactures of the nations in treaty.

It then becomes a subject of inquiry, what injuries have we received from the Powers with whom we have no commercial treaty, that should induce us to tax ourselves \$850,000 per annum to retaliate on them? These Powers are Spain, Portugal, Denmark, Russia, Hamburg, Bremen, and the other Hanse Towns, and Great Britain.

Spain has laid a heavy duty on our flour, to encourage her own; but not more than on that of other nations. She has also undertaken, in alliance with Great Britain, to prevent our taking our produce to France, contrary to the custom in former wars. It is true, the same two Powers attempted the same thing on a former occasion.

Spain has, by a late edict, granted to nations in treaty of commerce, license to trade in Louisiana, Florida, &c., &c., which immediately excludes us, and this may be of serious consequence. The English will introduce a good market for tobacco there; perhaps they may think it their interest to reduce the duty on that article, now 3s. 6d. per pound, to the same with ours, which is 1s. 3d.; or, if we pass these resolutions, make ours 3s. 6d., and theirs 1s. 3d. But Spain takes almost all their flour, a great quantity of wheat, corn, and lumber, beef, pork, fish, rice, &c., &c., from us, and is our very best customer. She supplies us with dollars, brandy, wine, fruits, salt, and silk goods, on fair terms. Some of these are articles which cannot be procured from the Powers in treaty, and ought we to offend her, to gratify our resentment against England?

Portugal refuses, since our Revolution, to take our flour. In every other respect she is among our best friends. She receives our wheat, corn, lumber, and many other articles; her late conduct calls for our sincerest gratitude. She supplies us with wine, salt, some East India goods, lemons, &c., &c. Why should we declare commercial war against such a friend?

The immediate relations with Denmark are increasing daily, and on fair terms. In her islands, we have the fairest intercourse. Our flour, meal, corn, lumber, beef, beef, pork, and fish, are received there in our own bottoms, and we bring from thence all their produce. Their children are educated among us, form friendships, and matrimonial connexions. Why should we declare a commercial war against a Power so friendly?

Russia affords us iron, hemp, sail-duck, sheetings, and some other articles; admits us into her ports on fair terms, and leaves to us the whole carrying trade between the two countries. What cause have we to tax her commodities? She has done nothing to offend us, seems well disposed, and many of her articles can be had nowhere else; and it ought to be considered, she can support the armed neutrality.

Hamburg and Bremen receive our vessels with every possible mark of friendship; they take great quantities of tobacco, rice, deerskins, furs, and a surplus of our imports from the West Indies; they supply us with glass, German osnaburghs, and other German linens, on much better terms than any other country. What injury have those Republics done us, that we should throw their trade into the lap of Holland, where we generally pay five to ten per cent. more than we pay in those ports?

I come now (said Mr. S.) to the great stumbling block, Great Britain, against whom these resolutions point, and whose political conduct has been the fruitful topic of so much declamation. He concurred in opinion with those who had severely reprobated the conduct of their piratical privateers towards our navigation: but are these good reasons, said he, why we should commence a commercial war with more than one half the European nations, or even with her, unless we shall find it greatly to our interest? Alterations of commercial systems require time and much

delicacy in effecting. We do not at present know what will be the result of proper remonstrances against the injuries we have suffered. Has Great Britain laid any restrictions on our commerce which are not similar to those she lays on other foreign nations? I believe not. Have we any advantages in her ports over other foreigners? I believe we have. Our citizens go there, commence and pursue trade, without being subject to the alien duty, paid by other foreigners. Our tobacco pays 1s. 3d. per lb. duty, when all other pays 3s. 6d. per lb. Our pot and pearl ashes are free: others pay 2s. per cwt., which is equal to the freight. Our naval stores pay less duty than others pay, which, acting as a bounty to us, enables us to send these bulky articles to such a distance. Some of our wood is in the same situation. The exportation of our lumber on these advantageous terms, is particularly beneficial to, and promotive of our shipping. A cargo of lumber, which costs not more than 400 or 500 pounds, would sell for 12 or 1400. Mr. S. observed, that he presumed no one would tax him with being prejudiced in favor of Great Britain; he had suffered by them severely; he had fought against their usurpations; and, should his duty call him, he trusted he should not hesitate to do so again. It is not what Britain may suffer by the system proposed, but the disadvantage which will be the consequence to the United States, that ought to be taken into consideration. Our duty is not to injure others, but to protect our own interest.

Mr. S. then inquired, what have we done to benefit our own commerce? In the first Congress, a duty of fifty cents on foreign tonnage, and six cents on our own, gave an advantage of forty-four cents in our favor; and put us more than on a footing with the extra light-money, of 1s. 9d. sterling, a ton, on our vessels, charged in all their ports, except London. We also laid a duty of one-tenth extra on goods by foreign vessels. What has been its consequence? A gentleman from Virginia stated that in 1660, Great Britain passed their Navigation Act, when the foreign trade was one-fourth of the whole; in 1770, it was lessened to one-sixth. What is the consequence of our law? The foreign tonnage in 1770, was nearly one-third of the whole. In 1792, the foreign tonnage was reduced nearly to one-fourth, or as 241 to 568. This being the case, we have, by our existing laws and industry, decreased the proportion of the foreign tonnage one-sixth. Thus has our existing laws done nearly as much in two years for us, as the navigation laws of Great Britain did for them in forty years. Under the existing state of things, Mr. S. said, he could not see the policy of pushing regulations to accelerate a progress already without example. The same gentleman said, that the manufactures of Great Britain amount to fifty-one millions, and that the proportion to America is two millions—say four per cent. of the exports of that country. Will she give up her Navigation Act for the profits of four per cent. on her exports? Can it be expected that she will deviate from a system which more than one hundred years experience has confirmed the utility of?

With respect to France, Mr. SMITH acknowledged, in warm terms, the obligations this country was under to that, for the services rendered during the war. France, said he, will be a Republic, and as republicans, they will treat with us on fair, liberal, and reciprocal terms.

Mr. S. concluded by reading the following comparative statement:

ENGLAND.

AMERICA.

1st. American ships pay no more duty of tonnage in her ports than her own pay; but they pay 1s. 9d. sterling, or 39 cents extra for light, except in the port of London, where all pay alike.

2d. The ships of America carry freely to Great Britain the produce of the United States, (where her own ships are permitted,) and pay the same duty thereon that is paid by the ships of Great Britain.

3d. All trade in American ships to the British West Indies, is prohibited, except in times (such as the present) of war and particular scarcity.

4th. The trade to the British East Indies is free for Americans; they enter and sell freely there, as well their cargoes as ships, when even British ships are prohibited.

5th. American shipping can carry no foreign article to Great Britain, nor any thing except her own produce; they cannot carry any of her manufactures, except pot and pearl ashes, pig and bar iron; which articles are free from duty.

6th. Great Britain admits from America, free of duty, plank, pot and pearl ashes, bar and pig iron, when she charges a duty on the same articles from other nations, equal, in some instances, to a full freight; which enables America to transport such bulky articles on equal terms; she charges 1s. 3d. per lb. on American tobacco, and 3s. 6d. on all other.

1st. British ships pay, in her ports, 44 cents duty of tonnage more than her own ships pay.

2d. All goods imported in British ships to the United States, pay 10 per cent. addition on the duties paid when imported in her own ships; which amount almost to the whole freight on an assorted cargo of British manufactures.

3d. America has no Colonies, she supplies the British West India islands with 4,500 barrels of flour per annum. Shall we risk this advantage, because they will not let us employ 12 brigs to carry it?

4th. America has no East Indian settlements.

5th. British ships are permitted to bring goods of every country to the United States; but then they are subject, too, to an additional duty of ten per cent. on the duty paid on goods imported in our own ships, which in almost all cases amounts to a prohibition; her copper, tin, lead, and some other gross articles, pay no duty.

6th. America admits nothing free of duty from Great Britain, that is not equally free from all other countries.

Mr. FINDLEY next rose. He suggested a diffidence in rising on the subject, as it required a knowledge of circumstances and facts which seldom came under his consideration; but, having

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

examined the case with sufficient attention to determine his vote, as no member claimed the floor, he would offer some of those reasons which were convincing to himself.

He took notice of the member last up, who asserted that the additional duties proposed were not intended for protecting manufactures, nor as additional revenues, but as bounties to the nations with which we have commercial treaties; that no other nation could furnish us with sufficiency of goods; and who then asked in what manner we will raise our revenues? To which he answered, that the political intention of the resolution was to secure our independence as a commercial nation, and to make it the interest of certain European nations to enter into commercial treaties with us; they have refused to treat, because they enjoy more advantages without treaties than they could expect any treaties could secure to them. He alleged it was not properly a commercial war, or a principle of revenge or retaliation, that was intended by the resolutions. Revenge for supposed insults offered to the Crown, may be the principle of the duelling wars undertaken by European despots, but such principles are inadmissible in Republican politics. The design of the proposed measure is to secure a reciprocity of advantages in commerce without war; it is calculated to procure justice, to secure the practical enjoyment of that independence, which, though we have established, after an arduous contest, we have not reaped the advantages which ought to have resulted from it, nor put ourselves in a capacity to protect it. The first attempt to revise the Confederation was expressly within the design of vesting Congress with sufficient powers for rendering our commerce more independent. When the revision of the Government did take place, this was a principal object, both in the enlargement of the powers and regulating the forms of the Government. The gentleman from Virginia [Mr. MADISON] has explained the reasons why such measures were not more early adopted, and has properly suggested that those reasons no longer exist.

The proposed restrictions are necessary to raise a competition in European markets, and gave an option to our merchants in different nations. Though the assortment for some time might not be so general in other countries as Britain, yet certainly much of the necessary supplies, such as linens and woollens, have been got on as good terms in France as in England, and have been in quantity more than equal to the demand. But, depending on one nation for our whole supplies, subjects us too much to the caprice and the fate of that nation. Supposing that nation to be at war with ourselves or our allies, we must be much embarrassed in our supplies, and will find it difficult to find goods from nations who had not provided for our demands. Supposing a state of bankruptcy or insurrection to take place in the nation on which we depend for supplies, we will share in their distresses. The gentleman from South Carolina [Mr. SUMTER] and others considered the credit to which our merchants are admitted in

Britain as more than equivalent to the restrictions we are subjected to by that nation. It is urged that the extensive use we are admitted to make of British capital ought to have great weight in our estimates of the comparative advantage of our commerce with Britain. Mr. F. begged leave totally to differ with those gentlemen in opinion; he considered the extensive use made by our merchants of British credit as a very great political evil; it promoted an unfavorable balance of trade, and enables our merchants to import goods in greater abundance than we need; consequently, our industry, especially in domestic manufactures, is discouraged, and luxury is promoted. It is an old observation, that the borrower is a servant to the lender. The consequence of the British credit so much boasted of is, that our merchants are many millions in debt to the manufacturers or merchants of Britain; our storekeepers are in proportion indebted to the merchant, and country people are in debt to the storekeepers for such manufactures as they could have lived well without, and which many of them were not able to pay for. Thus credit, while it enriches a few individuals, occasions a ruinous system of debts and bankruptcies to pervade our country, from the cities to the most remote boundaries. But a greater evil presents itself to our consideration. This credit promotes a system of British influence dangerous to our political security. The merchant who depends upon British credit is necessarily under the influence of the hand that feeds him; the storekeeper is in debt to the merchant and subject to his influence. And such storekeepers, abounding not only in all the small towns, but in every place of public resort, consequently this extensive British credit is a source of British influence spread through the whole United States. He said that, since Congress met, he had been industriously to procure information on this subject. He knew that before the country people expected such regulations with anxiety, and he now knew that the merchants who were able to carry on business without the aid of the British credit, were very generally in favor of commercial restrictions; and that those who were not in that situation were generally against them; these different principles naturally arose from their respective situations.

He expressed some surprise that the gentleman from Maryland [Mr. S.] spoke of the French Treaty with so little candor. Why did he not mention the guarantee of the West Indies as a part of the commercial treaty, as well as the admitting the French privateers and prizes into our ports? The truth is, neither the one nor the other were of the commercial parts of the treaty. The gentleman knew that the exertions of that nation in our behalf, by their arms and their money, were the parts of the treaty relative to the opening our ports to their privateers, prizes, &c. He said the British restrictions to which we were subjected, the encouragements given to the hostile Indians, was no longer a secret. The letting loose the Algerines on our commerce, (a fact which he trusted no member would now deny), the refusing to fulfil the definitive treaty, or to enter into a

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

commercial one—all tended to prove that this was the proper time to assert our own commercial rights, not for revenge, but for self-defence. The present embarrassed state of Europe rendered such a measure necessary, and encouraged the prospect of its being effectual.

Mr. AMES wished, that gentlemen, instead of indefinite declamation, would lay their finger on each particular wrong that Britain had done to us. He did not know of any particular advantage, that we had derived in our commerce with France. He wished to discountenance a spirit of revenge, and to ascertain on what side the benefits of our commerce lay, and wherein they consisted. He did not like unfair comparisons.

Mr. NICHOLAS said, that he would not, at this time of day, attempt to detain the House any further than by just observing that the practice of *comparisons* had originated among the gentlemen who opposed the resolutions.

At this stage, the Committee rose, and had leave to sit again.

THURSDAY, January 16.

The resolution sent from the Senate, "proposing to the several States an article of amendment to the Constitution of the United States respecting the Judicial power," was read the second time, and ordered to be committed to a Committee of the Whole House on Monday next.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit, for your information, certain intelligence lately received from Europe, as it relates to the subject of my past communications.

G. WASHINGTON.

UNITED STATES, January 16, 1794.

The said Message and papers were read and ordered to lie on the table.

Mr. BOUDINOT, from the committee appointed, presented a bill making appropriations for the support of Government for the year 1794; which was read twice and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a statement of the expenses of the Commissioners of Loans, on which the estimate of \$40,000 is founded, made pursuant to the order of the 10th instant; which were read and ordered to be committed to the Committee of the Whole House to whom is committed the bill making appropriations for the support of Government for the year one thousand seven hundred and ninety-four.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State, on the privileges and restrictions on the commerce of the United States in foreign countries. When

Mr. NICHOLAS rose and spoke as follows:

Mr. Chairman: I feel a great embarrassment in speaking on this subject, from a distrust of my ability to treat properly its acknowledged importance, and from the apparent expectation of the audience. I feel too, as the member from Maryland who spoke yesterday did, from the imputation of motives, well knowing that the Representatives of my country are industriously reported to be enemies of the Government and promoters of anarchy, and that the present measure is imputed to these principles. It is somewhat remarkable that farther North, we are charged with selfishness and want of attachment to the general welfare, for a supposed opposition to measures of the import of the present. I mention this contradictory inference, to show that the shameful designs charged upon us, are not proved by the fact, and to place the guilt where it only exists, in the malignity of the accuser.

It is a commonly received opinion, that trade should be intrusted to the direction of those immediately interested in it, and that the actual course of it, is the best which it could take; this principle is by no means a safe one, and, as applied to the trade of America, is extremely fallacious. It can never be just where the beginning and growth of commerce have not been free from all possible constraint, as to its direction; as that can never be called a business of election which has been created under foreign influence. The manner in which America was first peopled, and the nurture she received from Great Britain, afford the most striking contrast to the requisite before mentioned. The first inhabitants of America were educated in Great Britain, and brought with them all the wants of their own country, to be gratified chiefly by the productions of that country. Aided by British capital, in the settlement of the wilderness, and depending on the same means for the conveyance of its produce to a place of consumption, it was inevitable, that the demand for British commodities should keep pace with the improvement of the country. In the commencement of American population, and its early stages, there does not appear to have been a chance of comparing the advantages of commercial connexion, with different countries, and it will be found that in its progress, it was still more restrained. In the last years of the dependence of America on Great Britain, the principal part of America was occupied by large trading companies, composed of people in Great Britain, and conducted by factors, who sunk large sums in the hands of the farmers, to attach them to their respective stores, by which means, competition was precluded, and a dependence on the supplies of those stores completely established. Since the Revolution, the business has been conducted by persons in the habit of dependence on Great Britain, and who had no other capital, than the manufactures of that country furnished on credit. The business is still almost wholly conducted by the same means. In no stage of its growth, then, does there appear to have been a power in the consumer to have compared the productions of Great Britain with those of any other

JANUARY, 1794.]

Commerce of the United States.

[H. of R.]

country, as to their quality or price, and therefore there is no propriety in calling the course of trade, the course of its choice.

The subject before the Committee naturally divides itself into navigation and manufactures, in speaking of which, I shall offer some other considerations, to show that the same effects are by no means to be expected from the greatest commercial wisdom in individuals, which are in the power of the general concert of the community; the one having in view profit on each separate transaction, the other, promoting an advantageous result to the whole commerce of the country.

In considering the importance of navigation to all countries, but especially to such as have so extensive a production of bulky articles as America, I think I shall show that the last observation is accurately right, and that the interest of the whole community, not those only who are the carriers, but those also who furnish the object of carriage, positively demands a domestic marine, equal to its whole business; and that, even if it is to exist under rates higher than those of foreign navigation, it is to be preferred. In circumstances of tolerable equality, that can never however entirely be the case; for, in the carriage of the produce of one country, by the shipping of another, to any other place than the country to which the shipping belongs, there is considerably more labor employed, than would have been by domestic shipping, as the return to their own country is to be included. On this ground, it may be confidently asserted, that where the materials of navigation are equally attainable, they will always be more advantageously employed by the country for whose use they are intended; and that if, under such circumstances, another country is employed as the carrier, it must be under the influence of some other cause than interest, as it respects that particular business. A dependence on the shipping of another country tends to establish a place of deposit in that country, of those exports which are for the use of others, if it is at a convenient distance from them. The superintendence of property makes short voyages desirable for the owner, and the connexion that soon takes place between the money capital of a country and its shipping interests, greatly strengthens the vortex. The attainment of wealth beyond the demands of navigation, leads to an interest in the cargo itself, and then the agency in selling to the consumer becomes important. It is apparent that, as the final sale depends on the wants of the purchaser, all intermediate expenses of care and agency must be taken from the price to which the maker would be entitled. Our own commerce has involved this loss, in a remarkable degree, and it has gone to an enormous extent, from a necessity of submitting to the perfidy of agents, arising from a dependence established by means of the so much boasted credit.

That there is this tendency in the employment of foreign shipping, is not only proved by the commercial importance of Holland, which became thus from her naval resources the store-house of Europe, without furnishing anything from her

own productions, but also from the varied experience of America. Before the Revolution, every thing for European consumption was carried to Great Britain, but, since America has possessed shipping of her own, and in the Northern States, there has been an accession of capital, the export to England is reduced one-half. It is true, indeed, that there is still nearly one-half of what she receives, that is re-exported, but it will be found that she still retains a proportioned share of those influences which formerly carried the whole. Great Britain, under all the discouragements of our laws, which we are told by the mercantile members of the committee, amount to a prohibition where they have any rivals, did, until the European war, possess one-third of the foreign tonnage employed in America. This has been supported by the dependence into which the Southern States were placed by credit, and here, as in every other step of the connexion, this engine extorts advantages from us, beyond the compensation which is always secured in the first advance. If there wanted other proof of the British interest in the American navigation being supported in direct opposition to our interests, it may be found in the comparative state of the tonnage employed, where it appears that, after the protecting duties once had their effect, the additional tonnage, to a considerable amount, has been entirely American, and that the British tonnage has remained very nearly stationary, and in proportion to their undue influence.

In time of war, in addition to the inconveniences before stated, which are enhanced by throwing the trade from its accustomed channel, there are great and important losses brought on a country by this kind of dependence. If your carriers are parties to the war, you are subjected to the war freight and war insurance on your cargo, and you are cut off from all the markets to which they are hostile; and, indeed, from our experience in the present war, I may say you are cut off from the market of your carriers themselves, as it would have been impossible for British vessels to have escaped in our seas last summer. To what extent this loss goes may be seen from a calculation in the Secretary of State's Report on the fisheries, making the proportion of war to that of peace in the one hundred years, as forty-two to one hundred; and on that calculation there can be no hesitation in determining that the interest of the farmers requires that this foreign dependence should end here.

But the European war, by making a temporary exclusion of British shipping, has already brought on us the greatest mischief of such a regulation; and, by the encouragement it has afforded to our shipping, almost completed the remedy: so that we have reason to consider this as a fortunate period. But, it is not merely the advancement of our marine that is contemplated by the present resolutions, the security of that which we have is also dependent on them. The danger from the Algerines has been estimated in this House at five per cent. on the vessel and cargo, but the whole encouragement to our own shipping in our existing laws consists in the one-tenth additional duty

on goods imported in foreign vessels. Whenever there shall be an European peace, which cannot be far distant, the whole difference between the two sums will be a direct encouragement on British ships, and will probably be equal to two freights. Do gentlemen rely on the precarious prospect of building frigates, and the more precarious service to be rendered by them when built, so much as to neglect any other regulations for the safety of our shipping when they are so much in their power?

Having shown that the actual state of our commerce is by no means the most beneficial, as far as navigation is concerned, I will proceed to consider the benefits derived from the consumption of those European manufactures which form the principal part of the stores of America. And here it may safely be said, that national policy by no means justifies the almost exclusive preference given to those of Great Britain. It is not always true that the commodity which is bought for least money is the best bargain, for the means of payment form an important consideration in all traffic, and accommodations in it may more than counterbalance an inequality of price. If one man will receive an article in exchange which you can sell to no other, it will certainly be a saving to deal with him at a high advance on his property. If there are countries which would become great consumers of American produce, on the terms of reciprocal consumption, and we find a difficulty, as is often the case, in vending that produce, is it not of great national importance to excite those acts which are to become the foundation of the connexion, even if, in the first instance, it is to be attended with inconvenience and loss? France may be made a connexion of this sort. She is at this time almost, if not quite, on a footing with Great Britain in the consumption of American products, and every hand which shall receive employment from us will add to her wants. We are told that it is of no less importance to us to find a country which can supply us advantageously than one which will consume our productions; and that, as commerce is no longer carried on by barter, it is no less beneficial to sell in one country and buy in another than if we could complete the exchange in the same country. This might be true, if your production was limited, and the demand for it certain; but, with a greatly improving agriculture, and some risk in our markets, the object is important. Great Britain being the factory of those things which would make her most dependent on the agricultural interest, and the national wealth being probably at the greatest height, there is no expectation that her consumption will increase. On the other hand, as labor is now to receive its direction in France to the manufacturing arts, so far as concerns America, you will take from the agricultural strength a large class of people, and by that means create a dependence on you, at least to the amount of their own consumption, and the wealth you will diffuse will give ability to thousands who are now too poor to bid for your commodities. Nor is it probable that you will purchase this important benefit on very disadvantageous terms: for it is agreed

on all hands that many important arts are well understood there, and that labor, which forms the principal part of the cost of most articles, is considerably cheaper in France than in England.

Another very important operation of a discrimination in favor of France will be that, by encouraging liberal industry, you may put an end to some practices which, in the existing state of consumption, greatly depreciate our commodities. I mean the public provision made in granaries, and the supply from them in times of scarcity, which destroys the competition that raises every thing to its just value. Different consequences have been foretold as likely to result from those measures, to which I shall give a short examination. We are told that the preference long since given by our laws has been equal to a prohibition of British vessels, and that, to the extent to which it has gone, the best effects have been produced. To secure this operation from a recent attack, and at the same time to extend it to some branches of trade, to which its principles would equally extend, is the object of the marine resolutions. We have no reason to apprehend bad consequences from an action which has hitherto had good consequences. As to the increased duties on manufactures, I think the prospect in no way threatening; for, if there should be found no country to supply our wants on better terms, the diminution of consumption will be only in proportion to the duty. This can be by no means alarming, considered as the worst consequence of the measure to men with whom the impost is the favorite mode of collecting the revenue, at a time when the public wants are equal to any possible produce. If there shall be found a competitor with Great Britain for our consumption, the great object will be attained, as it must be accompanied by a corresponding consumption of American productions. But we are told that there will be a conflict of commercial regulations between this country and Great Britain, and that the consequence will be, the loss of the market she affords us. The probable consequences of such a conflict will best determine whether it is to be expected, as it will commence on her part as well as ours, with a view to consequences. The danger which she can alone apprehend is the loss of the market for her manufactures; and to obviate this, it would be absurd to widen the breach between us, as that would tend, in a direct proportion, to the establishment of unfriendly habits and manufactures, either here or in other countries, which would rival her own. If, however, the ultimate advantage would justify such measures, the immediate distress of her people would forbid it. The American trade must be the means of distributing bread to several hundred thousand persons, whose occupations would be wholly ended with the trade, and the Government is by no means in a situation to bear their discontent. Their navigation and manufactures draw many important ingredients from America which would be lost to them. The creditors of the people of America, to an immense amount, would be deprived of the remittances which depend on a friendly intercourse. On the

JANUARY, 1794.]

Commerce of the United States.

[II. of R.]

whole, it would add to the disorders of the Government among those who, perhaps, have heretofore contributed to its support, without gratifying anything but an arrogant resentment. But we are told that our own citizens would be equal sufferers, and are more to be injured by being stopped in a career of rapid improvement. It will be hard to anticipate any real misfortune to America in such a contest, unless the temporary loss of indulgencies, which are by no means necessary, can be so called. The consumption of Great Britain is, according to the most friendly calculation, not more than one-third of our purchases from her, and, therefore, the national wealth, independent of the gratification of our appetites, will receive an immense addition, and a vast fund will be procured to make lasting and valuable improvements, which would be degraded by comparison with the gewgaws of a day. It is to be remarked that the diminution of our exports would be divided among large classes of people, and in all cases forms a deduction from the annual income, rather than a total loss. This will result from the various objects of American industry and the division of the markets of its produce. This forms an important difference between America and Great Britain, in an estimate of the effects of a rupture between the two countries. In my opinion, the habits of the Southern States are such as to require the control which is said to be the consequence of these measures. Under the facility offered by the modes of trade before spoken of, and the credit which is said to be so beneficial, they have not only involved themselves in debt, but have contracted habits which, with the power of gratification, must always keep them so. We did hope that the administration of justice would have corrected the evil, but we now find that it cannot be corrected but by entire changes. It is founded in the policy of the merchant himself, and this circumstance is enough to present to the minds of the Committee a long train of dependent mischiefs. It is a fact, supported by the best evidence, that our merchants who get their goods from the manufacturer pay as much for them as the shopkeeper who buys at Baltimore or Philadelphia. This is one of the consequences of the want of credit which always will follow a reliance on collection from farmers; and there can be no doubt that the merchant is indemnified for his disgrace as well as his advance. The result of the whole train of indulgence is, that our goods are bought at an advance from a half to one-fourth of what they could be afforded for in cash sales. Nor does the mischief stop here. It brings a subjection which materially affects the sale of our produce. I do believe, myself, that the war with Great Britain did not bring half the mischief on us that their credit has; and I very much suspect a credit for consumption will always be found equally mischievous. It by no means resembles money loans, as is insinuated by the gentleman from South Carolina, by freeing a man's own resources for any other use. It is certain that there is no other safe regulation of a farmer's expenses than his income; and experience every day proves that, when so regu-

lated, they always fall short of the income, and that, when they depend on credit, they always exceed it, and thereby subject future revenue. Lessening the importation of foreign manufactures will increase our household fabrics, which experience has proved to be highly profitable, as the labor is done by a part of the community of little power in any other application. Regular efforts in this way have been, in my country, certainly productive of independence.

It is acknowledged that we may derive great advantages from France in our commerce, but it is said they should be secured by treaty, and we should not pay beforehand for them. If advantages are to be drawn by treaty from foreign nations, to enable the Executive to procure them, we must advance the impost beyond the revenue standard, or they will have nothing to give in exchange. Will gentlemen agree to involve France in this measure indiscriminately, when we have already a commercial treaty with her, which was concomitant with that treaty which gave us independence? Will they, under such proofs of friendliness, and while they are laboring under a revolution that must strengthen our connexion, show distrust of their justice, when the distinction now proposed may give them a knowledge of those advantages they may derive from our trade, and thereby make them more eager for a permanent contract? It will be always in our power, when we find ourselves deceived, to restore the equality with Great Britain. We are asked what will become of our revenue under such an establishment? The answer is obvious, from my former observations: if the consumption is reduced only by means of revenue, the revenue will increase; if it is lessened by competition, it will not be diminished, for the present rates will continue on all foreign goods, and we shall be better able to pay from the improvement of our foreign markets. But if there should be a diminution without lessening the power of the people to pay, what mischiefs will there be? Every body understands that the people pay the revenue, although it is collected by custom-house officers, and there is reason to believe that the expense of collection is greater in that way than any other, as there is not only the apparent expense, but a secret compensation to the merchants for advancing it.

But we are told that we are including countries in the general description which are our best customers—Spain, Portugal, the Hanse Towns, and Denmark. It will be found that they are little within the reach of the propositions, not being carriers, and very little manufacturers of the articles to be taxed. It will be in the power of the Legislature to save them, in filling up the blanks; but this is not intended to shut out any nation which chooses to trade with us on liberal terms; and, if we are satisfied with our footing in their trade, there is no doubt but we can secure it by treaty. They will not complain of our taking away benefits which they may resume at any time. We are told that this business is merely commercial, and that we should not think of our political relations to Great Britain; but, in my

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

opinion, most of our grievances have commercial objects, and therefore are to be remedied by commercial resistance. If you take away what is contended for, contest must end. The Indian war and the Algerine attacks have both commercial views, or Great Britain must stand without excuse for instigating the most horrid cruelties. I consider, however, the propositions before you as the strongest weapon America possesses, and the most likely to restore her to all her rights, political and commercial; and I trust I have shown that the means will have a beneficial effect, if they should fail as a remedy with respect to Great Britain.

Mr. GOODHUE: Mr. Chairman, the propositions now before us having been considered by several gentlemen, who have already spoken, and who have given such a particular detail of calculations, I shall confine myself to some general observations on the subject.

The gentleman from Maryland has made an observation which struck me very forcibly as applied to the subject before us, because it is a maxim to which all mankind have assented, and upon which all mankind continually practice—it was this: “there is no friendship in trade;” and it may be added, as a necessary consequence, there ought to be no hatred in trade. By following a path founded upon so obvious a maxim as the foregoing, we may be sure of a right guide, but if we deviate from it, we are in danger of being led into unforeseen error and mischief. It is unquestionably our duty to attend to the navigation and commerce of our country, and give it every proper encouragement which time and circumstances admit; this has ever been my wish and my conduct.

This object, so important and desirable, must be effected by fixed principles and regulations, such as giving our vessels a decided preference in our own ports above the ships of every other nation whatever, by paying less tonnage and other duties; by suffering no foreign ships to bring into the United States the productions of any other country than the one to which they belong; and by prohibiting foreign ships from coming to the United States from those places where our own ships are prohibited.

These are the fixed principles and regulations by one or all of which our navigation and commerce can only be promoted, and must never be deviated from, when adopted in favor of any one nation whatever—unless it be in return for some special advantage granted to us by any particular nation as an equivalent. Hitherto, our Government has proceeded to distinguish foreign ships, only by making them pay greater tonnage and duties than our own. If circumstances required it, and the time is judged a seasonable one, I shall be willing to proceed further.

Let us examine what advantages we enjoy in consequence of any commercial treaties we have already formed, for the propositions before us are proposed to affect only those nations with whom we have no treaties. We have commercial treaties with Prussia, Sweden, France, and Holland,

and in the dominions of neither of those Powers have our ships or the produce of this country (except in the single article of our oil in France) been admitted on any more favorable terms than the ships or produce of any other nation; and for this obvious reason, because our treaties only insure the advantages they may grant to the most favored nation; and, being circumstanced in such a manner as not judging it for their interests to distinguish any one by its favors, we are left only in the enjoyment of a trade with them on the terms common to all other nations. This being the case, I would not give one farthing to have like treaties formed with every other nation, for they have not been, and never can be, of any service to us; if we expect to derive any advantage from commercial treaties, we must stipulate for some certain good, for some other good which we may grant them in return.

But it is said, Mr. Chairman, we are particularly injured by the commercial restrictions of Great Britain. The fact is, we enjoy in our trade with that country all the advantages of commerce, and in some instances greater than they grant to any other nation. Our pot ash, and several other articles, pay a less duty in Great Britain than the like articles do from any other country, and in no instance do I believe they pay greater. Our ships are allowed generally to carry to Great Britain and Ireland the productions of this country on the same terms their own ships do. We have also free admission into their extensive territories in India, where they prohibit the ships of their own country, unless they belong to their India Company.

It is true our commerce is cramped by a refusal of our ships into their Colonies of Nova Scotia, Canada, Newfoundland, and their West India Islands, which is the only evil of a commercial kind we have to complain of in their regulations. But this is not an evil in consequence of distinguishing us from any other nation; they deny that privilege to all others, and it has taken effect as it relates to us in consequence of our becoming an independent nation. The evil of being prohibited their Colonies arises from the existing circumstances of things. Their contiguity to the United States compels them to carry on a considerable trade with us for supplies, and in which it is but just we should be partakers; and, if we mean to redress this evil, we should point out measures to that object, and say no foreign ships shall come to the United States from any place where our ships are prohibited; or, if they do come, they should come under some peculiar disadvantages. This would be meeting the evil direct.

If we raise the duties on their manufactures imported into this country, as is proposed by the resolutions now under consideration, with a view of compelling them to be more liberal in their commercial arrangements with us, we shall surely miss our aim, for it is certain France in her present situation is by no means able to supply us, whatever she may do hereafter. No other country, at present, but Great Britain, can supply us; it therefore follows, undeniably, if such be the fact,

JANUARY, 1791.]

Commerce of the United States.

[H. OF R.]

that if we import their goods and lay an additional duty on them, the blow aimed at them will fall on us, by raising the price to the consumers in this country equal to the proposed additional duty.

It is said the chief of the foreign tonnage that comes to this country is British, and this is an evil; if our object is to promote our own navigation, I should suppose the evil consisted in having our trade so much carried on in foreign bottoms, and not as belonging to one or another foreign nation; and, if we meant further to encourage our navigation, we ought to raise the tonnage duty on all foreign shipping; this would be coming to the object. But how comes it we have so many more British ships than others? Have we granted them a monopoly, or may not the ships of every other nation come here on the same terms they do? The reason, then, why there are so many more British than other foreign ships which come here, is not because we have encouraged it by any regulations we have adopted, but because they are a more enterprising, commercial people than their neighbors, and from other causes which will ever influence and direct commerce.

It is also mentioned that a considerable part of the products of this country shipped to Great Britain, is not consumed there, but re-shipped to other countries, and that we ought to make such regulations as that such excess should pass directly to the country where they are consumed, without their first going through Great Britain.

I should think it strange if any one was to refuse selling an article because he understood the person who wanted to purchase it would not be the consumer, but he would afterwards sell it to another; this would not certainly influence, and ought not. Let us examine and see whether our navigation has received any encouragement by the regulations already adopted by this Government. In 1790, our navigation was but little more than one-half of all the tonnage entered in the United States; in 1791, it was three-fifths; and in 1792 it was nearly two-thirds. Foreign tonnage has actually decreased since that period 14,000 tons, while ours has increased 171,000 tons. If the increase is not sufficient, then we must increase the tonnage duty on foreign shipping, and take such other measures as I have hinted at to promote the object; though I confess such is our delicate situation at this time, I am inclined to believe experiments are hazardous; and I should be strongly apprehensive, if we pass any restrictive laws at this time, that shall affect Great Britain only, as is the avowed object of the resolutions before us, such is her close alliance with most of the European nations, and especially with Spain, that she will be fully able to influence some of them at least, and Spain in particular, (who is not very friendly,) to be associated with her in any counter-regulations she may think proper to pursue by way of retaliation.

Mr. CLARK differed from many members who had spoken before him, in the view they took of the subject; he conceived it ought to be considered in a political light. We had many wrongs to complain of, and we should endeavor to obtain re-

dress. The English have violated our Treaty, just after it was ratified, by taking away our negroes, and since by holding our posts; they have also set the savages on our backs, and have not they let loose the Algerines upon us? Shall we sit still and bear it? How can we help it, it is asked? They will retaliate, we are told. How retaliate? will they refuse to sell us their manufactures? He remembered that, even in old times, a non-importation agreement made them repeal their stamp act. We have surely as well now as we had then a right not to buy their goods; we don't want to cram our provisions down their throats, or to force them to buy our lumber. During the non-importation agreement, we did not perish with cold; we found, even then, that among ourselves we could make wherewith to clothe ourselves; we are surely as able to do it now. We then gained our point; we should now be much more powerful with the same weapon; many of her manufacturers are already starving for want of employment. We should add greatly to their distress, and soon bring the Government to their senses, and they will be glad to enter into a commercial treaty with us.

The balance of trade with Great Britain is much against us; and by carrying to Portugal and Spain what we send to them, we should receive cash in return. France will not always be in a storm, and a supply of the manufactured articles we want may soon be received from that quarter.

He did not see to what purpose calculations three hours long had been brought forward. It was very well for merchants to calculate in their counting-houses; but he conceived the Legislature should determine the question upon political considerations. He concluded by remarking, that he believed by this time the Committee must pretty clearly see that he was in favor of the resolutions.

Mr. PARKER considered the resolutions on the table as indefinite and unintelligible. If revenue is the object, we should remember the remark of *Dr. Swift*, that in the arithmetic of taxation, two and two do not always make four, but sometimes only one. He thought there was a jarring in the third resolution, which contradicted the first. The leading clause of the first resolution, which has occasioned so long a debate, is in these words: "That the interest of the United States would be promoted by further restrictions and higher duties, in certain cases, on the manufactures and navigation of foreign nations employed in the commerce of the United States, than those now imposed." The third resolution which Mr. P. referred to, is in these words: "That the duty on vessels belonging to the nations having commercial treaties with the United States, ought to be reduced to — per ton." The resolutions meant either too much, or nothing. He would move to amend the first resolution, but that he hoped it would be altogether cast aside.

Mr. S. SMITH, of Maryland, rose and apologized to the Committee for presuming to intrude upon them a second time by the delivery of his sentiments. He said that a personal attack had been

H. of R.]

Appropriation Bill.

[JANUARY, 1794.]

made yesterday upon him in that House. It had met him out of doors, and had gone into the world. After he had done speaking yesterday, a member had risen, and held forth as a fundamental observation, that "gentlemen possessing capitals of their own were in favor of the propositions; but that dealers upon credit were against them." When this remark was made, as he had but just sat down from delivering his negative to the resolutions, he could not help thinking himself aimed at as one of those dealers upon credit. [Here the member referred to rose, and solemnly declared that a personal allusion to Mr. SMITH had never entered his mind] Mr. S. went on to observe, that the whole assertion was erroneous. The merchants of America are men of liberal sentiments—more so, he believed, than merchants of any other part of the world. They are not to be biassed by the petty motives of interest, in prejudice to the public interest of their country. The gentleman whom he referred to had spoke of an alarming British influence in some of the commercial cities of America. He had alleged that merchants, by their connexion with Britain, would be under its influence; but there was no such thing. In this country, merchants studied the Constitution, and were attached to it. In other countries, they minded only profit. As a reflection had been thrown on merchants who dealt upon credit, he should take leave to observe that credit was a very good thing. As to himself, he had, before the war began, acquired, by his industry, as much property as placed him beyond the necessity of credit. By the war, he was reduced to nothing. After the peace, he again began as he set out at first. By the same industry and the same talents, he had once more acquired independence. By the British buccaners, he had lost as much, since the present war began, as the gentleman to whom he rose in reply, would think a tolerable fortune for dividing among his sons; yet he could still spare time from his business for the service of his country. He said, that at first hearing the resolutions, he had been rather prejudiced in their favor. One of them was indeed a very enticing resolution, and at first view pleased him very much. [The resolution to which Mr. S. referred is the seventh, and runs in these words:

"Resolved, as the opinion of this Committee, That provision ought to be made for liquidating and ascertaining the losses sustained by citizens of the United States, from the operation of particular regulations of any country, contravening the Law of Nations, and that such losses be reimbursed in the first instance, out of the additional duties on the manufactures, productions, and vessels of the nations establishing such unlawful regulations."]

He since opposed them, from a conviction that they were injudicious. This gentleman and others had spoken with complacency of destroying commercial credit. He would again repeat his affirmation that credit was a good thing. To destroy it would establish an aristocracy in commerce, which was as bad as an aristocracy in Government. He explained this expression, by subjoining, that the dissolution of credit would confine trade to mer-

chants possessing large capitals and an old and established correspondence in the manufacturing countries. An apprentice of the best connexions, and most promising abilities, would find it impossible, at the expiration of his indentures, to begin business for himself upon such oppressive terms of competition. It would be requisite to send ready money to Europe at the time of commissioning the goods; that is, to pay for them six months before they were received. This operation would raise the price of them fifteen per cent., which would be a real tax. He was astonished to hear gentlemen speak with indifference as to the advantages of mercantile credit. The State of Georgia was rising into prosperity with a prodigious progress. And by what means was this effected? By credit, certainly; for it never could have been accomplished in any other way. He said that we should renounce all national animosities, and consider all mankind as one great family. Let us always go where we can sell best. Mr. S. closed a speech of uncommon animation, by saying that the resolutions reminded him of the story of the goose which laid golden eggs. Let us cut her up, said the boy, and we shall get them all at once. The ten per cent. of tonnage upon foreign vessels had been of great service; but the present plan was too abrupt.

The Committee now rose, reported progress, and asked leave to sit again.

FRIDAY, January 17.

A memorial of Andrew G. Fraunces, of the city of New York, was presented to the House and read, praying to be furnished with an official copy of the proceedings on the subject of his memorial, presented the 19th ultimo, and that the House will speedily determine on the legality of his claim for the payment of certain warrants issued by the late Board of Treasury.

Ordered, That the said memorial do lie on the table.

Mr. BEATTY, from the committee to whom was recommitted the bill for completing and better supporting the Military Establishment of the United States, reported an amendatory bill; which was read twice and committed.

APPROPRIATION BILL.

The House went into a Committee of the Whole on the Appropriation Bill, (Mr. TRUMBULL in the Chair.) The Committee proceeded in the discussion, during which, Mr. BALDWIN rose repeatedly, for the purpose of inquiring into the excess of various sums appropriated, for contingencies and other purposes, above the sums heretofore appropriated. His object was, that a committee should be appointed to make particular inquiry into the reasons of these excesses, and to report. A motion was at length made and carried, for the rising of the Committee. In the House, Mr. BALDWIN made a motion for the appointment of a special committee, to inquire into the cause of, and report on the expediency of, these excesses. This motion was agreed to, and a committee of five appointed.

JANUARY, 1794] *Quakers' Memorial—Algerine Affairs—Commerce with G. Britain.* [H. OF R.

PETITION OF DANIEL PARKER.

The House took into consideration the Report of the Secretary of the Treasury on the memorial of Daniel Parker. The substance of the Report is, that it may be for the interest of the United States to compound the debt due from the memorialist, and suggests the expediency of vesting a power somewhere to make the composition. It was moved that a committee should be appointed to prepare and report a bill pursuant to the report of the Secretary of the Treasury. Some debate ensued on this motion. It was opposed on the score of precedent, and that it might be better for the United States to lose the debt than to establish a precedent which might open a door to every delinquent debtor of the United States. If the memorialist is an honest man, and has any property, he will throw himself on the justice and humanity of his country. The conduct of the petitioner, in withdrawing from his country, and his consequent deportment, were reprobated. In support of the motion, it was said that the only question was, whether the United States would insist on receiving the whole of their demand, and get nothing, or compromise their demand, and receive something. This, it was said, was not establishing a precedent; it was simply following the custom established in all similar cases by individuals. It was true that public bodies adopt generally a more rigid line of conduct, and perhaps with propriety in most cases; but, in the present instance, the memorialist is out of the country, out of the reach of the laws; he is able to pay something, but is not willing to be divested of all his property, and be still bound to discharge a balance he never can pay.

Mr. NICHOLAS proposed the following motion, as a substitute for the first motion, that a committee be appointed to inquire whether D. Parker & Co. have any equitable or other claims to a reduction of the balances which appear against them on the books of the Treasury of the United States, and report specially thereon to the House. This motion, after some further debate, was agreed to, and a committee of three appointed.

MONDAY, January 20.

QUAKERS' MEMORIAL.

A memorial was read from the people called Quakers. The substance of this memorial is, to request that Congress would pass a law to prohibit the citizens of the United States from transporting slaves from the coast of Africa to the West India Islands. The petition was read by the SPEAKER.

Mr. GILES wished that it might be referred to a select committee.

Mr. BOURNE wished that it should lie on the table for a day or two. He did not, by this, mean to oppose the principle of the memorial; but he understood that another, of the same tenor, was to be presented to the Senate. He therefore wished that it might be deferred till the House could see whether the Senate should take it up. If they did

not, he should then move that it should be referred to a select committee. The petition was ordered to lie on the table.

ALGERINE AFFAIRS.

The Committee of Ways and Means, appointed pursuant to the resolutions of the House on the communications from the PRESIDENT OF THE UNITED STATES relative to Algiers, brought in a report, which was twice read, and referred to the Committee of the Whole House on the state of the Union.

Ordered, That it be printed for the use of the members.

The report states that the Naval force for the protection of the trade of the United States, shall consist of four ships of forty-four guns each, 18 and 9 pounders, and two of 20 guns each. The aggregate sum wanted for this purpose is estimated at six hundred thousand dollars; to raise which, one per cent. additional duty is proposed to be laid on imported goods now paying seven and one-half per cent.; five per cent. additional on stone, marble, &c.; and on all stone and earthen ware, three cents additional; on salt, per bushel, six cents additional, per ton, on all vessels of the United States employed in foreign trade; and twenty-five cents additional, per ton, on all other vessels.

On motion of Mr. FITZSIMONS, an addition was made to the Committee of Ways and Means; so that it now consists of a member from every State, who are to make another report respecting the fortifying the ports and harbors of the United States.

Ordered, That Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. PATTON, Mr. BALDWIN, and Mr. ISRAEL SMITH, be added to the committee appointed to report to this House the Naval force adequate to the protection of the commerce of the United States against the Algerine corsairs, together with an estimate of the expense, and the ways and means for defraying the same.

CORRESPONDENCE WITH GREAT BRITAIN.

Mr. W. SMITH remarked, that in the discussion of the resolutions respecting commercial affairs, much stress had been laid on the suggestion, that Great Britain had not discovered any disposition to enter into a commercial treaty with the United States, informed the House that in the correspondence between the Executive of the United States and the Minister of Great Britain, as printed by order of the House, it appears, that there is a chasm occasioned by the omission of a letter from the Secretary of State to that Minister, which letter is referred to in a subsequent letter.

Mr. GILES said, that it was very possible the letter to which Mr. SMITH referred, never had existed. It was said to have been written on the 5th of December, 1791. It was likely enough that Mr. Hammond might have mistaken a date.

Mr. DEXTER said, that there was an evident chasm. A letter must have been suppressed.

Mr. MADISON thought that there was a chasm, which should be filled up, but it might do as well to defer the matter for a day or two, till inquiry

should be made of the Secretary of State, why it had been withheld? Upon informing the PRESIDENT, he would either give it up, or mention the reasons why he should not.

Mr. BOURNE said, that a motion concerning papers to be obtained from the Secretary of State, had been lying on the table since the beginning of last week. He wished it to be read.

Mr. GILES and Mr. NICHOLAS thought there could be no use for this letter, but they would not oppose an inquiry for its production.

The House then agreed to a resolution proposed by Mr. W. SMITH, the purport of which is, that the PRESIDENT of the UNITED STATES be applied to for information on the subject, and requested to lay before the House the omitted letter, or such parts as he may think proper. It was then moved and seconded, that the PRESIDENT be made acquainted with the resolution now adopted, which was agreed to. It was then proposed, that a committee of three members should be appointed to wait on him for that purpose. The motion was negatived. It was then moved and agreed, that the committee should consist of two members.

A Message was received from the PRESIDENT of the UNITED STATES, on the subject of the recal of the Minister of the French Republic. This Message states, that the conduct of the Minister had met with decided disapprobation, and the Government of France promises, that his recal shall be expedited without delay.

Mr. BALDWIN, from the committee appointed to examine the articles in which the present estimate exceeds the appropriations and actual settlements of preceding years, and report the causes, with their opinion of the expediency of such excess, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the copy of a Letter to him from the Commissioner of the Revenue, stating the causes which have delayed the report on the revenue arising from spirits distilled within the United States, and from stills, required by the order of this House of the second of March last; which were read, and ordered to lie on the table.

MILITARY ESTABLISHMENT.

It was then moved, that the House go into a Committee on the bill for completing and better supporting the Military Establishment of the United States.

The bill was discussed by paragraphs. The second section proposes, in substance, that those who continue in service to the expiration of their enlistment, shall receive thirty dollars in addition to their pay, to be paid to them personally, in proportion to the time they had been in service. This section, after some debate, was struck out.

A motion was made to strike out the last section which provides that the widows and orphans of officers who die, or are killed in the service, shall be entitled to three years' half pay. This motion after considerable debate, was carried.

A section was then proposed which provides for a donation of two hundred acres of land to every non-commissioned officer, musician, and private of the army, at the end of the service, provided they settle on the same. This motion, after several amendments, was agreed to.

[In discussing the clauses of the bill on the Military establishment, Mr. WADSWORTH said, that the American army was dwindling to nothing, for the want of proper officers. There was no suitable encouragement in the service, to compensate for the toils and dangers of a military life. Many officers would resign their commissions, if they could only get Government to accept of them. It would be necessary to make an augmentation of their pay, or do something else to encourage them. There was no incitement in this war, upon the principles of honor, because we had been told that the war itself was infamous. Some provision ought to be made for the widows and children of officers. Many of the widows of officers had been reduced to work with their own hands for bread, while their children had been sent to school by a subscription among their neighbors.

Mr. CLARK, in reply, said, that there were many soldiers who would gladly resign. If an officer had twenty-seven dollars per month, and a soldier but three or four, is it not proper that the Government should provide as well for the widows and children of soldiers, as of officers? He was confident that the army could find plenty of officers.

Mr. CLAIBORNE was of opinion that the widows and children of soldiers were as much flesh and blood as those of officers; and that the State was as much obliged to the soldiers as to the officers. The latter were better paid than the former, and so were more likely to leave something behind them for the support of their families. He said that we lived under a Republican Government, where all ranks of men were equally entitled to the protection of the State.

Mr. SMILE considered it as highly unjust that there should be so great a difference between the pay of an officer and that of a soldier. It was proper to support rank, but the principle was carried too far. He would only ask what sort of men officers were, and what soldiers were? He knew of no distinction. Why, then, should we provide for the widows and the children of the officers, and not for those of the soldiers, when the latter had but four dollars per month?

The fact is, said Mr. SMITH, of Maryland, that your best officers have either left the army, or are daily leaving it. The General finds it necessary to force them to stay. The gentleman from Virginia, [Mr. CLAIBORNE] had seen service, and was, Mr. S. believed, as good a Republican as any in that House. He surely must know that the services of men of education could not, in any part of the world, be obtained at the same rate as those of the inferior classes. Gentlemen might speak of equality, but in practice the thing was impossible. As to women it was well enough known what sort of ladies commonly followed the camp. It would be absurd to place them on a level with the widows of officers, or to suppose that they de-

JANUARY, 1794.]

Military Establishment.

[II. OF R.]

served equally the protection of the States. The time would perhaps come when we should repent of having intrusted the army in other hands than those which at present kept it together.

Mr. CLAIRBORNE said, that some of the officers who retired from the army were men of pleasure. He repeated his remarks upon equality.

Mr. WADSWORTH said, that we might talk of Republican armies, and Republican principles, as long as we pleased. By the former he understood nothing more than an army raised by a Republic. If good officers were not kept, it was certain the army must go to nothing, for it was as impossible to march an army into the field without officers, as it was for that House to do business without a Speaker or a Chairman. He knew of many young men who were fond of going into the army as officers. But time and reflection convinced them, for which he was very sorry, that it was not worth while for any gentleman to spend his life in the service. The consequence was, that the American army was losing, as fast as possible, its best officers.]

The Committee then rose, and reported the bill with amendments.

TUESDAY, January 21.

A Message was received from the PRESIDENT OF THE UNITED STATES communicating statements respecting the duties on distilled spirits; also sundry laws which have been passed by the Government Northwest of the Ohio.

A petition of several of the late officers and privates of the first Pennsylvania regiment was presented to the House and read, praying compensation for military services rendered, and losses and injuries sustained in the Army of the United States during the late war.

Ordered, That the said petition, together with the petition of Catharine Myler, which lay on the table, be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Ordered, That the memorial of the people called Quakers, at their yearly meeting held in Rhode Island, in the year 1798, which lay on the table, be referred to Mr. TRUMBULL, Mr. WARD, Mr. GILES, Mr. TALBOT, and Mr. GROVE; that they do examine the matter thereof and report the same, with their opinion thereupon, to the House.

Mr. VENABLE, from the committee appointed to inquire into and report a state of facts respecting sundry French vessels which have taken refuge in the ports of the United States, and their opinion on the propriety of remitting the foreign tonnage thereon, made a report; which was read, and ordered to lie on the table.

MILITARY ESTABLISHMENT.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill for completing and better supporting the Military Establishment of the United States. The first amendment, to strike out

the second section, was, on the question put thereupon, agreed to by the House. The second amendment, to strike out the last section in the words following to wit :

"And be it further enacted, That — year's half pay shall be allowed to all commissioned officers who shall serve for a term not less than three years, and until the Army shall be discharged."

Mr. SMITH said that he hoped this clause would not be stricken out. He had little to say, but what he had already remarked. The officers were leaving the service very fast; and if something was not done for the Army, we shall soon see an end of it. No respect whatever was shown by other citizens to the American uniform.

Mr. CLARK said that certain members of the House, on every question, were fond of pomposity. Officers who could not live upon their pay, could live nowhere. The back woods were not the place to spend much money. It was well known that there was another cause of complaint which dispersed the officers.

Mr. FORREST thought it necessary to keep in the clause. He had been informed by several officers that want of adequate pay was a very great objection to staying in the Army.

Mr. WADSWORTH said that he was glad to hear gentlemen speak out, and acknowledge that there were other causes of dissatisfaction. None of his correspondents in the Army had told him so; but he believed that there were such other causes. As to spending money, it would be spent in the back woods as well as in the cities, as the officers frequently had to pay four times the common price for articles there. He did not believe that we should long have three effective companies in the Army. He had nearly given up his hopes of that Army, and the rejection of this clause would just finish it.

The question on striking out this clause was taken by yeas and nays, and stood—yeas 64, nays 24, as follows :

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Gabriel Christie, Abraham Clark, Peleg Coffin, Joshua Coit, William J. Dawson, Jonathan Dayton, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, William B. Giles, James Gillespie, Nicholas Gilman, Benjamin Goodhue, James Gordon, William B. Grove, Carter B. Harrison, John Heath, Daniel Heister, James Hillhouse, Samuel Holten, John Hunter, John Wilkes Kittera, Amasa Learned, Matthew Locke, William Lyman, Nathaniel Macdon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Josiah Parker, Andrew Pickens, Francis Preston, John Smilie, Jeremiah Smith, Israel Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Thomas Tredwell, John E. Van Allen, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, Francis Walker, Artemas Ward, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Lambert Cadwalader, David Cobb, Henry Dearborn, Uriah Forrest, Ezekiel Gilbert, Henry Glenn, Thomas

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

Hartley, William Hindman, William Irvine, Richard Bland Lee, Peter Muhlenberg, Thomas Scott, John S. Sherburne, Samuel Smith, William Smith, Thomas Sprigg, Uriah Tracy, Jonathan Trumbull, Peter Van Gaasbeck, Jeremiah Wadsworth, and John Watts.

The other amendment, reported by the Committee of the Whole House was further amended, and, on the question put thereupon, agreed to by the House.

The House then proceeded further to amend the said bill, and, on a motion made and seconded to add to the end thereof the following section, by way of amendment, to wit:

*"And be it further enacted, That, if any officer shall die, by reason of wounds or otherwise, while in the service of the United States, and shall leave a widow, or, if no widow, shall leave a child or children under age, such widow, or, if no widow, such child or children, shall be entitled to and receive the half of the monthly pay to which the deceased was entitled, at the time of his death, for and during the term of — years; and, in case of the death or intermarriage of such widow, before the expiration of the said term of — years, the half-pay, for the remainder of the term, shall go to the support of the child or children of such deceased officer, while under the age of sixteen years; and in like manner the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, That no greater sum shall be allowed, in any case, to the widow, or to the child or children of any officer, than the half pay of a Lieutenant Colonel."*

It was resolved in the affirmative—yeas 54, nays 32, as follows:

YEAS.—Fisher Ames, James Armstrong, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Joshua Coit, Isaac Coles, William J. Dawson, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Thomas Fitzsimons, Uriah Forrest, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, Samuel Griffin, Carter B. Harrison, Thomas Hartley, John Heath, William Hindman, John Hunter, William Irvine, Amasa Learned, Richard Bland Lee, William Lyman, James Madison, Francis Malbone, William Montgomery, Peter Muhlenberg, William Vans Murray, Joseph Neville, John Nicholas, Andrew Pickens, Francis Pickens, Robert Rutherford, Thomas Scott, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Jeremiah Wadsworth, John Watts, Richard Winn, and Joseph Winston.

NAYS.—Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Peleg Coffin, Dwight Foster, Andrew Gregg, Daniel Heister, James Hillhouse, Samuel Holten, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Andrew Moore, Nathaniel Niles, Alexander D. Orr, Josiah Parker, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, Francis Walker, Artemas Ward, Benjamin Williams, and Paine Wingate.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

WEDNESDAY, January 22.

An engrossed bill for completing and better supporting the Military Establishment of the United States, was read the third time.

Ordered, That the said bill be recommitted to Mr. BEATTY, Mr. IRVINE, Mr. JEREMIAH WADSWORTH, Mr. DEARBORN, and Mr. VAN GAASBECK.

Mr. GILES from the Committee appointed, presented a bill to establish a uniform system of bankruptcy throughout the United States; which was read twice and committed.

A petition of the manufacturers of paint, in the towns of Baltimore and Alexandria, was presented to the House and read, praying that the duties imposed on dry paints imported into the United States, may be taken off, and equivalent duties laid on foreign paints ground in oil. Also, a petition of the dealers in oil and painters' colors, praying that the duties on dry paints may be so reduced as to afford encouragement for grinding them within the United States.

Ordered, That the said petitions do lie on the table.

THE SPEAKER laid before the House a Letter from the Secretary of State, enclosing the copy of a Letter from Mr. Jefferson to Mr. Hammond, dated December 5, 1791, transmitted pursuant to a resolution of this House of the 20th instant; which was read, and ordered to lie on the table.

THE SPEAKER laid before the House a Letter from the Secretary of War, communicating further information from James Seagrove, Agent of Indian Affairs in the Southern Department, relative to a peace with the Creek Indians; which were read, and ordered to lie on the table.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of United States in foreign countries.

Mr. DAYTON said, that if he had before been disposed to enter into the extensive field of argument which was opened to their view, by a resolution vague and extensive as the one immediately under consideration of the Committee, he should be deterred from it by the example of gentlemen who had gone before him. They seemed to him to have wandered without any sure guide, or distinct object; and, like persons who travel in a circle, to have sat down after having bewildered or fatigued themselves in the attempt, without arriving at the end of their pursuit. This, Mr. D. conceived was almost unavoidable, from the loose and general wording of the proposition. He was not, he said, so fortunate as to be present when the mover of these resolutions had favored the Committee with his arguments in support of them; he might, therefore, he presumed, be indulged in inquiring, what was the real purpose of the one under discussion; what commercial or political doctrine it contained; what principle in legislation it was intended to establish? He wished to know whether it was regarded as a distinct proposition, or considered as necessarily connected with

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

and explained by, the resolutions that follow it? In either sense, however, he declared he found objections against it. As a distinct proposition, it appeared to him highly exceptionable, because it did not possess those qualities which were indispensable to one of that nature; it was indefinite, inconclusive, and therefore, of itself, unintelligible. Could any expression, he asked, be more vague than the words "in certain cases"? They might embrace the vast world of commerce, or be confined to two of its smallest articles. Neither those words, nor any other part of it, enabled the mind to determine what particular interests were to be promoted, or what objects were to be attained by the restrictions and duties proposed. Was the increase of the revenue designed by them, or the encouragement and protection of our own manufactures, or merely a discrimination between those nations which had, and those which had not commercial treaties with the United States? These, Mr. D. remarked, were three distinct principles, each of them important, and deserving separate consideration, for they led to a very different course of inquiries, and would produce very different results. If the increase of the revenue was meant, the inquiry would principally be, whether any and what articles of traffic or commerce would bear new burdens, with a confidence that they would give the increase contemplated; for it had been said, and frequently repeated, that two and two do not always make four. If gentlemen were disposed to encourage our own manufactures, the question then would be, on what articles of foreign manufacture we might venture to lay prohibitory duties, and on what others it would be proper to impose only protecting duties? Prohibitory, in cases where the quantities manufactured among ourselves equalled, or might soon be made to equal, our home consumption; and protecting as to such others as could not, for a considerable length of time, be manufactured in this country in sufficient quantities for its supply. But if the plan of discrimination was the sole object, they were then, Mr. D. said, to take a very different view of the subject, and to aim their regulations not so much at the *articles*, as the *agents* of commerce, against nations, rather than merchandise. They would, in this case, find it necessary to weigh and determine whether the line of discrimination should be drawn between those nations in treaty and those not in treaty, or between the countries (whether in treaty or not) which had manifested a friendly, and those which had manifested a contrary disposition.

If, then, this proposition, viewed as an abstract one, established no certain principle, or if it involved and confounded a number so variant in their nature and tendency as he had stated them, there could no longer exist a doubt of the impropriety of agreeing to it. But, on the other hand, should it be considered as connected with, and explained by, the resolutions which follow, there were the strongest reasons for passing it by, and proceeding to the second. What member, Mr. D. asked, would be willing to vote for a proposition which admitted of such various meanings and dif-

ferent explanations, and depended as to its sense upon certain explanatory resolutions, each of which was to be separately discussed, and might be amended, altered, and even stricken out. Surely, he said, the gentlemen who were about to vote for it were not aware of the embarrassment into which such a step might lead them. In the probable event of an alteration of any of the other resolutions, this fundamental one might receive a construction, and be directed to objects, which members, who assented to it, had not foreseen, or would have opposed if they had foreseen. But this, Mr. D. said, was not all; there was another reason against adopting it as a fundamental proposition. The articles which were intended to explain it, were, in reality, false expositions of this text. The third article was in direct opposition to its letter and spirit, as it went to establish a diminution of restrictions and duties in certain cases, whereas the other contemplated "further restrictions and higher duties," as the true means of promoting the interest of the United States. Having declared his grounds of objection, Mr. D. said he should have offered an amendment, or proposed a substitute, were it not that he hoped the Committee would agree to pass over the first proposition.

Mr. LEE spoke as follows: The importance of the resolutions under consideration, is fully manifested both by the length and solemnity of the present discussion, and the universal solicitude which pervades our fellow-citizens. I have been deeply impressed with the awfulness of the present crisis; I have felt the magnitude of the subject before us; I have listened with attention to everything which has been offered to our consideration; I have been informed, I have been instructed, I have been delighted. My mind, which hesitated, has been enabled to form its decision. And, though, sir, it may be unnecessary, after this declaration, to take up any of the time of the Committee, I hope I shall meet with their pardon and indulgence, for soliciting a small portion of their attention. In the present jealous and censorious times, when it seems to have become fashionable, not more to inquire into the principles of measures, than into the motives of public agents, the task of explaining the reasons of his conduct, is necessarily imposed on every public servant, who does not wish to have his motives misinterpreted. But, sir, notwithstanding I feel the necessity of explaining myself on the present occasion, both from the consideration I have mentioned, and to exhibit to my constituents, (whose virtue, industry, and value in society, claim every attention, from me, to their interests,) the reasons of my conduct; I should not ask the present indulgence, if the subject had been altogether placed in those lights, in which it most forcibly strikes my mind. And, under this impression, sir, I should be unworthy of the seat I hold here, and of the confidence of my fellow-citizens, if I withheld aught, which appeared to me conducive to their interests, and the general welfare. Before I proceed to a detail of the particular considerations, which I mean to bring into the view of the Committee, I hope I shall be pardoned, while I attempt to establish

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

some general abstract principles, which appear to me important to guide us in the present discussion. And, though at first view, they may seem remote from the subject, I hope the Committee will patiently attend me through the process of my reasonings, to those conclusions which will naturally result.

I consider, Mr. Chairman, human life as a system of expedients, whether viewed individually or collectively. Man, as an individual, is ever in the pursuit of happiness, and is particularly occupied in applying those expedients which, under existing circumstances, are most likely to produce it. These he varies according to the changes in his own mind, and the obstacles which continually occur against his plans. Every day presents some new evil to be avoided, or some new good to be obtained. He avoids the one and pursues the other, by the best means which the state of things will afford. To do this, he will vary his means, suspend or accelerate the execution of his plans, as circumstances dictate. At all times he must be the best judge of them, and of what, in any existing state of things, is necessary to his happiness. *Man*, also, is a various animal. Hence, the diversity of human character and human pursuits. Each individual takes a different route to happiness; and, being the best judge in his own case, has a right to do so.

Societies being the aggregates of individuals, are animated by the same principles. And, in the great Family of Nations, as among individuals in a state of Nature, each nation is the best judge of, and has a right to pursue, according to existing circumstances, those measures which it thinks necessary to its happiness. Every nation, therefore, has the capacity and the right, to form such a Government, and enact such laws, at every period of its existence, as the exigencies of its situation require. Of these it is the best judge, and no other nation has a right to interfere in the case. According to this principle, we have acted in the various changes that have taken place in our political institutions. Other nations, in all former ages, have exercised, and, in all future ages, will continue to exercise the same right.

As the circumstances of individuals are various, a mode of life which will produce one man's happiness, may produce another man's misery. The circumstances and dispositions of nations, are as various as the circumstances and dispositions of individuals; and, as among individuals, one mode of life, and one system of pursuits, will not produce every man's happiness; so, neither amongst nations, will one form of Government and one system of laws, suit every society. Hence, the diversity of Governments, which have existed in all countries, and in all ages. And hence, the revolutions and changes, which have been continually made in Governments and laws, as the exigencies of things required them.

From these principles, I deduce the following conclusions: 1st. That every nation has the capacity and the right, at every period of its existence, to provide for its happiness, according to its own knowledge of its situations and interests. 2d.

That, therefore, the probability is, that every nation, under the existing state of things, has that Government and those laws, which are best adapted to its manners, and most consonant with its circumstances.

I will exemplify these characters. We know that the Government of Turkey would not suit us—we do not know that our Government would suit the Turks. Leaving the Turks to judge for themselves, as we judge for ourselves, the presumption is, that they have a Government best suited to their manners and circumstances. We know we have a Government best suited to our circumstances and our manners.

I will not attempt to detail those circumstances, which have given rise to the variety of Governments, which now exist, and have existed in all the former ages of the world. On this subject, volumes have been written, and volumes might be written. I only mean to establish, that every nation, in every period of its existence, is the best judge of what is necessary to its happiness, and has those political institutions most adapted to its situation. This is a true Republican doctrine. It is founded on the capacity of the people to judge for themselves. We know that we have the capacity to judge for ourselves. We shall be proud and vain, indeed, if we deny to other nations the capacity to judge for themselves. We have the Government best suited to us; the presumption is, that other nations have Governments best suited to them. Therefore, in discussing our relations to other nations, I do not see the propriety of introducing the nature and principles of their political institutions. On a question like the present, the only proper inquiry is, whether our intercourse with any nation, has a tendency to add to the comfort, the wealth, and the strength of the society; and not whether it has a tendency to alter and improve our social institutions; of these, the society in every period of its existence will always be the most competent judge. Viewing the principles I have stated, as irrefragable, being founded on the nature of man, the universal usage of nations, and our own practice, I will now turn my attention to some of the arguments which have been urged during the discussion. In the course of my observations, I may occasionally apply the principles which I have established. I shall not go into a detail of commercial facts. This has been fully done by persons more competent to the task. The Committee must be fully possessed of them. I shall only consider such observations as involve important principles.

My colleague, [Mr. MADISON,] who introduced the resolutions, and he has been followed in the idea by every other gentleman who has spoken in support of them, said that the present Government originated from the incapacity of the Confederation, and of the individual States to regulate our commerce with foreign countries, and seemed to intimate that, to counteract the restrictions of Great Britain with regard to our trade was the principal inducement to its adoption. Though I disapprove of applying to any source but itself for the interpretation of an instrument which was in-

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

tended, at all times, to be its own expositor, I will go back with my colleague to those scenes which preceded, and induced the establishment of the present Constitution. I shall go back with pleasure, because, being then in the infancy of my political life, I was witness to those first essays to regulate our commerce, which his patriotism induced him to make; and which finally terminated in the establishment of our present happy Government. I say, sir, I was witness to his exertions—not I only, Mr. Chairman, but all America, has been witness to his exertions. We all know the share he had in forming the present Constitution, and promoting its adoption. I know that the Convention at Annapolis, to regulate our trade, principally originated from him; I know that the grand Convention which formed our Constitution was the consequence of this, and originated from him. And, here, I cannot hesitate, as a member of a happy community, to pay that tribute of gratitude and thanks, which my heart has always felt to the man, whose councils and exertions have been so instrumental to our happiness.

Mr. Chairman, while I agree with my colleague, that the first essays from which our Constitution arose had relation only to our trade; he will, I am sure, acknowledge that this was not the only object for which the grand Convention met, he will acknowledge that this is not the principal object contemplated by the Constitution. The power of regulating commerce is an inferior power vested with much more important powers in the Congress of the United States. But, sir, I need not make a comparison between the various powers of Congress. What does this sovereign act of the people declare to be their intention; I need only repeat their words:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

In these words, we see the sovereignty of the people exercised on one of those occasions which I have before stated in forming a Government, and we hear the purposes for which they formed it. It does not say that it was formed to regulate our commerce. The people had more important objects in view. I do not think, therefore, that so much stress ought to be laid on this idea, as gentlemen have been inclined to bestow on it.

But, having been induced to go back to the period which gave birth to our Constitution, I shall be excused, if, before I return to the present subject, I take a review of the then existing circumstances of the United States. We had then a Government contemned abroad, and despised at home, incapable of commanding the respect of foreign nations or the obedience of our own citizens. Its credit was sunk abroad and at home. Debts were accumulating in Europe and in America. Our commerce was almost annihilated, our agriculture languished, paper tenders existed in some States,

the ties of confidence between man and man, and, consequently, the ties of morality were broken asunder; nay, animosities between the States began to prevail, instead of fraternal concord. Such was the situation of the United States, and to remedy these evils was the Constitution made. Has it not produced the intended effects? That it has, I need only appeal to the feelings of every fellow-citizen who hears me. I should, therefore, unnecessarily take up the time of the Committee in enumerating the various blessings which it has showered on our country. I will only mention the stimulus which our agriculture has received. In traveling through the various parts of the United States, I find fields, a few years ago, waste and uncultivated, filled with inhabitants, and covered with harvests; new habitations reared, contentment in every face, plenty on every board, confidence is restored, and every man is safe under his own vine and his own fig tree, and there is none to make him afraid. To produce this effect, was the intention of the Constitution, and not solely to regulate our trade, and it has succeeded. But I feel myself wandering from the subject.

The Committee will readily perceive that I have been led into my last observations, because, gentlemen have assigned, as an important reason in support of the resolutions, that the Constitution had been principally framed with a view to this object. I think I have shown that too much importance has been given to this idea.

I think my colleague also observed, that if the measures he had now proposed were not adopted at this time, after a new election, and a full representation of our fellow-citizens, he would despair of ever seeing them succeed; and I think he assigned this reason, and it gave me pain when he uttered it, that the subjects of Britain, in consequence of the interest they had in our trade and in our pecuniary institutions, would acquire a predominant influence over our public councils. This idea was more fully dilated upon by a gentleman from Pennsylvania [Mr. FINDLEY.] The danger of this influence seemed to be the principal reason why he wished to lessen our commercial intercourse with Britain. The gentleman, perhaps, did not perceive the full extent of this observation. It wounds deeply, in my opinion, the Republican principle; and I am sure neither of them intended to do this. It goes to deny the competency of the people to govern themselves. It goes to assert that we are better judges of the future exigencies of the society than those who will live after us. The people, on former occasions have been found possessed of virtue and knowledge equal to the preservation of their liberties and interests. What right have we to say that, hereafter, they will be less wise and less virtuous? Let me again recur to former experience. At the commencement of our struggle with Britain, they certainly had all the commercial influence over us which the monopoly of our trade could give. What did it amount to? It neither damped our courage, nor checked our unanimity; and why suppose less virtue in our citizens now that we have become free, and enjoy the fruits of order and good Govern-

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

ment, than when we existed in the Colonial dependence?

The same gentleman from Pennsylvania, and another of my colleagues, [Mr. NICHOLAS.] expatiated largely on the mischiefs of credit. My colleague, however, very justly and frankly acknowledged, that it was questionable how far Government had a right to interfere in the pecuniary concerns of individuals. But, whatever may be the mischiefs of credit, I do not think they will be prevented by sumptuary laws, or laws which may be calculated to operate that way; and I doubt the consistency of such laws with civil liberty. There is only one remedy which occurs to me—it is a proper administration of justice between man and man. Establish this; compel every individual to pay his debts: when this is done, the society will have no reason to limit his expenses, or to apprehend evil from his example. But this important part of social police belongs peculiarly to the State Governments; they have the only effectual means of preventing the mischiefs of credit and preserving the purity of morals. Congress have not the power of changing the municipal regulations or the judicial establishments of the respective States.

It has not been asserted, that our treaties of commerce have produced us any advantages as yet. Our principal and most beneficial intercourse, it has been proved, is with those nations with which we have no treaties. Our treaty with France has, in the course of the last year, operated to our injury in a two-fold degree. The asylum given to French privateers in our ports, has covered our coasts with them, and has therefore prevented the ships belonging to nations which are most accustomed to trade with us, and buying our surplus produce, notwithstanding the prodigious demand for part of it in Europe. I believe that, in the State of Virginia, this, perhaps combined with other causes, has produced an astonishing depression of the price of our tobacco and grain. In Europe, the only advantage which we had in return for these injuries, we have been deprived of; the treaty has there been violated by France, but every American will readily acknowledge, very properly violated, when he considers the necessity and imperious circumstances of the case.

Gentlemen have said, we ought to pass these resolutions to express our gratitude for services formerly rendered to us by the French nation. As to the virtues of generosity and gratitude, they are godlike attributes; they belong, I believe, more to heaven than to earth; they are rarely seen among individual men, and more rarely felt by nations; and it has been acknowledged, I think, in the National Convention itself, that the assistance we received was rendered, not so much for our sakes, as to weaken a dangerous and powerful rival. But, gentlemen have said, though we may not have derived any peculiar commercial advantages as yet from our intercourse with France, that we have every reason to expect the greatest advantages hereafter, from the fraternal regard expressed by their present Government to us, and the similitude of its principles to ours. If the French nation feels this friendly disposition towards us—and I

verily believe they do, because they say they do—our Constitution has provided the means, by vesting adequate powers in the President and Senate, of meeting them on the ground of a new treaty, and I rely with full confidence on this subject, on the wisdom and patriotism of the Constitutional authority. But, sir, I do not think the gentlemen spoke accurately, when they mentioned the similitude of the principles of the present French Constitution to ours. But, supposing the resemblance existed—which, I shall presently show, does not—have we any reason to conclude, from the past history of nations, that such a resemblance necessarily begets friendship and cordiality? History exhibits the fact differently. Witness the wars between Carthage and Rome: the jealousies and wars between the different Republics of Greece: witness our own experience, the animosities which began to arise between the States, previous to the adoption of the present Government, and the difficulty of producing that adoption. The truth is, nations, in their intercourse with one another, regard nothing but their interest; hence the alliance so frequent between Commonwealths and Monarchies, more frequent than between Commonwealths themselves.

But, as peculiar emphasis is laid on the similitude of the principles of the French Government to the principles of ours, I will take the liberty of applying the principal traits of their Government to our situation. Their Republic is one and indivisible; our Republic consists of sovereign States, having extensive and important local jurisdictions, and a diversity of laws and interests. Does our Republic, then, resemble that of France, in this leading feature? Consolidation these States have ever deemed fatal to their liberties and happiness, and he would be deemed a traitor to his country who should propose to render our Republic one and indivisible. So jealous are the States on this head, that they have generally demanded an alteration in that part of the Constitution which subjects them to suits in the Courts of the United States, and the Senate has already sent, for our consideration, an amendment to that effect. The French Executive is plural; their Legislature is single. This idea is counter to the practice of almost all the States, and to the division of powers in our Constitution. Will any gentleman say that such a form of Government is suited to our ideas and our circumstances? Is every part of the United States in a situation to extend the idea of equality as far as it has been carried in France? I believe no gentleman will say it is. The conflagrations, the desolations, and the bloody scenes of St. Domingo, might also then be exhibited on our peaceful and happy plains.

Mr. Chairman, let not any gentleman misunderstand me; let not any gentleman suppose, when I show that there is no similarity between our Government and the French Constitution, that I mean to derogate from the wisdom of the latter. I only mean to prove that their Government is not like ours, and would not suit us. The French are a brave, a generous, and enlightened nation. They have performed the most brilliant achieve-

JANUARY, 1794.]

Commerce of the United States.

[H. of R.]

ments on the records of man; they have broken the chains of despotism; they have obliterated hierarchical and feudal tyranny; they have exercised that power which belongs to all nations, of establishing a Government suited to their own circumstances; they deserve to be happy under it, and I pray that they may be so. But, sir, as it has been so fashionable to bring into our view comparisons between different nations, I hope I shall be indulged when I compare the Governments of the States in America, to the British Government. If any similitude exists between the American Governments and foreign Governments, the resemblance most strongly relates to the British Government. Their Executive is single, their Legislative is divided into two Houses. Such are generally the outlines of our Governments; we have only improved on the British model, by rendering our public functionaries more responsible to the people. We have abolished feudal rights, we have abolished perpetuities; and there is no remnant of the ancient system of things among us, except that, in some States, lands are unjustly exempted from the payment of debts. To be sure, every part of a man's property should answer his obligations; the law of reason and the law of morality require it: and soon, I hope, that this stain on American principles will be forever removed.

When I state these facts—and I think they cannot be denied—I do not mean to justify the conduct of the Cabinet of Britain. I feel resentment, as strong as any other gentleman for the retention of the Western posts. I suspect them of unfriendly offices, both with regard to our Indian war, and with regard to the depredations committed on our trade by the Algerine corsairs. But I am not sent here to indulge, at all hazards, my resentments; but to provide for the welfare of my country, in the best manner that circumstances will permit. I shall be ready to join gentlemen in any measures to bring Great Britain to an explanation of all the injuries which we may suppose we have received from her. If she refuses to do us justice, we may then, and it will then be time enough to determine on the measures proper to be pursued. We have always ample means of redress within our power, without resorting to the proposed measures.

But, sir, dismissing our resentment against the Cabinet of Britain—separating the people from the Court, the community from the Administration—let us dispassionately look back on their history. Cæsar and Tacitus, in the ages in which they lived, tell us that this people had a high sense and were ever jealous of their liberties. Coming down to periods more within our knowledge, we find them struggling with, and gradually shaking off the ecclesiastical and feudal tyranny, which had overwhelmed the rest of Europe. Little more than a century ago, we see them bringing one tyrant to the scaffold, and banishing another. In this little corner of the globe alone, in the dark ages of the world, when ignorance, superstition, and oppression, had enveloped Asia, Africa, and Europe, the flame of liberty was kept alive. To

them we are indebted for our knowledge of civil rights and civil liberty, and the institutions most favorable to them. From them we derive the foundations of our laws; from them both we and the French have derived the inestimable trial by jury. The forefathers of New England, (who have established in that country the wisest institutions, for the perpetuation of human liberty, and human happiness, which the world has ever seen,) driven away by the then existing tyranny of England, brought with them that flame which has animated and illuminated the gloomy forests of America, and spread from thence a beam of light to France. Every generous American will excuse me, I am sure, when I do not permit my resentments to the Cabinet of Britain to destroy altogether my respect for a people who were the champions of liberty, when no other champions existed, and who, I hope, will never consent to be slaves.

I have taken up much time of the Committee; much remains to be said; I will, however, add but little. It would be a copious subject to inquire into the capacity of different countries to supply themselves with those articles which the United States are most capable of furnishing. Also, what new sources of supply might be opened to Great Britain, if we stopped our intercourse with her; and, in that case, what other countries will be in a capacity to buy what we can spare, or furnish us with what we may want. We do not know what new countries may be improved, nor how far the old may be inclined to turn their attention to agriculture. This subject involves the whole economy of nations; perhaps it surpasses the knowledge of any gentleman to develop it. I confess that I am wholly incompetent to the task. May it not, therefore, be the wisest policy of the nation, which is in its infancy, in strength, in arts, and manufactures, to leave things in that course in which the existing circumstances of the world have placed them, and which continually adds to its prosperity? It is certain that, within four years past, our manufactures and navigation have increased prodigiously, under the existing system of commerce. Our coasting trade, being secured to our citizens, is operating rapidly to increase American seamen and American tonnage. If the present state of union and prosperity continues, this will be a continually increasing and powerful nursery of shipping and of seamen. I believe that it is a fact, that the intercourse of the different parts of Great Britain with each other, is regarded in that country as a more important nursery of seamen than all their foreign commerce. This certainly depends very much on their coal trade; and when coal becomes a common fuel among us, we have the same means of increasing our shipping and seamen.

It is certainly worthy of inquiry, whether it be wise to divert the attention of our citizens from agriculture to other pursuits? Whether agriculture be not the employment most favorable to virtue and morality; and, consequently, to the happiness and stability of society? And whether agriculture, in the present state of the world, be

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

not the most profitable as well as the most happy pursuit for American citizens? It is worthy of inquiry, whether the protection of Great Britain from invasion and subjugation, depending on her maritime force, it can be expected that she will relax her Navigation Act, which alone supports and cherishes the means of her safety, and whether it ought to be expected? It is worthy of inquiry, in case she should counteract the proposed regulations, whether war may not be the consequence, our revenue be destroyed, and with these our public credit and our agriculture; nay, our Government itself? On these subjects, though important and copious in the extreme, I will not enlarge.

At least, before we enter into measures which may endanger our peace and our revenue, we ought to provide the means of defence, and to insure to every person, by the provision of ample funds, the property which the laws have guaranteed to him. Until gentlemen shall propose some effectual measure of this sort, it will be highly improper to hazard the safety and credit of our Government on the contingencies of experiments. One truth I know: that, in the present course of things, we may enjoy a greater share of prosperity than ever fell to the lot of any other people. I know, also, that strong as nature has made us on the defensive—humbling and painful as the idea may be to some—compared with the nations of Europe, we are but an atom in point of strength, in European politics. I see, too, Europe convulsed to its foundations, and furnishing no certain clue to guide our conduct. I see America, at the same time, rapidly increasing in wealth and strength. Under such circumstances and such impressions, it is my duty to oppose the resolutions under consideration. Permit me to add a word concerning myself: I am a farmer; I derive only a competence from the tillage of the earth; I can, therefore, have no interest distinct from that of the society.

Mr. SMILIE rose to take some notice of a few observations which had fallen from the gentleman last up, [Mr. LEE.] That gentleman (he said) had laid down a set of principles on which he founded his argument. He had said that every society had a right to form the Government which they conceived best suited to their circumstances. Granted; and, also, that every Government that exists is the best for the people governed by it; this he could not agree to.

[Here Mr. LEE interrupted Mr. SMILIE to explain. He stated that his assertion was, that, as we claim a right to choose our own Government, we ought not to deny to other nations the same right, and ought to presume that every nation has that best suited to its particular situation, of which each is the best judge.]

Mr. SMILIE continued, by inquiring how it is possible for nations groaning under all the fetters of despotism, awed by standing armies, and wasted by taxation, to choose the Government which they might believe best suited them. The gentleman did not fear the influence of a nation holding considerable interest in our funds; the generally approved maxim, that the borrower is a ser-

vant to the lender, however, is a strong ground for that fear. He was surprised, he owned, that the gentleman should attempt a comparison between our Government and that of Great Britain, and assert that there is a strong resemblance.

Great Britain has no Constitution but the will of the Legislature; in this respect a radical difference exists. He confessed he was surprised to hear the eulogium on the British nation that had just fallen from that gentleman. Caesar and Tacitus had been quoted to prove that they were lovers of liberty. The Germans, at the time alluded to, also had some notions of liberty; and now, he believed, they could not be called patterns for freemen. The execution of Charles I. was also mentioned to show their passion for liberty; but has not the 30th of January obtained a place in their calendar? There was a time when England could boast a band of patriots, but they were crushed by tyranny; our forefathers fled from that tyranny, from that country, now extolled as the fairest seat of that heavenly goddess, Liberty. There was a time, he repeated, when that country could boast a spark of the flame; but then they selfishly wished to keep it to themselves. Were they lovers of liberty when they insisted upon legislating for this Continent? Have they shown themselves lovers of liberty and justice by breaking our treaty, by withholding our posts, seizing our ships, attempting to starve France, by infringing the Law of Nations, in preventing our vessels from carrying thither provisions, exciting the Indians to murder us, letting loose the Algerines upon us? These are their deeds, and this is the nation we are called upon to love.

Mr. LEE rose to set the gentleman right. He did not say that our Governments are like that of Great Britain, but only that they are more like it, in form, than like that of France. He said expressly, that we had improved on the British model, by abolishing feudal tenures and perpetuities, and by rendering the public functionaries more responsible to the people. He did not hold Great Britain up as a pattern; yet who can say that they were not the freest nation in Europe before the French revolution? He advocated the principle of letting every nation judge for itself, and not attempt Quixotically to liberate the world. If a nation has not energy to become free, they deserve to be slaves. When ripe for freedom, they will soon burst their chains asunder. France, from the depths of despotism, had sprung into freedom, without extraneous assistance, and so will the Turks when ripe for its enjoyment.

Mr. MOORE next arose, and expressed himself as follows:

If an apology is necessary from any member of this House, it is from me. I am sure none have less knowledge of commerce. My principal object in rising is to answer some of the arguments used by my colleague. He has set out with stating that every nation has a right to make such regulations as will promote their own interest. It is true, but does it follow that we are to adapt such only as will suit us, were we wholly unconnected with Great Britain? If their regulations

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

operate against us, shall we not counteract them? And shall we continue to suffer the injury, under the idea that, as a nation they have the right to pursue their interest? He has stated an observation made by a gentleman from Virginia, that the credit obtained in Great Britain might influence our councils. This, he says, is supposing they will have less integrity than ourselves. Sir, our importing merchant obtaining a credit, his selling on credit to the merchants in the country, they retailing to the citizens on credit, may form such a connexion of dependency as may be injurious. Whatever may be the natural integrity of men, they are imperceptibly led to favor their own interest. Under such circumstances, I should not willingly trust myself; I am not disposed to trust others. But the argument was only intended to show that the credit our merchants obtained in Britain was not to our advantage. He has drawn comparisons between the French and British and our Constitutions. It is enough for us, that the French Constitution has liberty for its basis. From such a source we have a right to expect justice and reciprocity in our commerce. They have already manifested a disposition to enter into regulations founded on those principles. The reasonings on this question I do not well understand. They no doubt have their force. I am obliged, in making up my mind, to take more familiar reasonings for my guide, not understanding the comprehensive view gentlemen have taken of the subject. I do not think that the comparison drawn between our and the French Constitution, or the comparison drawn between the restrictions and advantages between France and Great Britain, will warrant any conclusion for or against the proposition. If we have made a commercial treaty with France that is unfavorable and operates to our disadvantage, it is no reason. It lays us under no obligation to submit to regulations adopted by any other nation which are injurious. Having made a Commercial Treaty with France, we are bound to observe it.

If the reasoning founded on Britain's granting us equal privileges and advantages with France should prevent us asking more of Britain, it would prove too much. It would prove that we should never demand an advantageous or favorable Treaty of Commerce, having once made an unfavorable one; that making an unfortunate Treaty gives a claim to all other nations.

I have formed my opinion on this present question, not by comparing the advantages and disadvantages of our trade, as they are regulated by different nations, but by inquiring what is the state of our commerce with particular nations; and whether, from our commercial relation, we have not a right to expect more favorable regulations? Whether we have not a right to expect the removal of restrictions to which we are subject, and to obtain advantages we do not now receive? We have been informed that Britain is dependent on us for many of the necessities of life. They are dependent on us for those raw materials by which numbers of their citizens receive employment, and which cannot be obtained from any other quar-

ter. If this is a true state of the case, and it has not been controverted, and the truth of it, I think, is evident, from a view of exports to that country, have we not a right to expect, a right to claim, a removal of those unfavorable restrictions? If this is a true state of our commerce, would not Britain, were all the regulations on the footing of reciprocity, have the advantage? Their trade with us is of necessity; theirs to us may be, and can be, dispensed with. Numbers of them depend on us for their very subsistence. Independent of their manufactures, we can go on and, I believe, prosper. I do not believe that agriculture or manufactures would sustain even a check. It would, no doubt, be some degree of inconvenience to the mercantile interest; and I cannot help observing, that gentlemen have been loud on the disadvantages of the merchants from the adoption of the principle now under discussion. I must regard the merchant only as an intermediate negotiator between the planter and manufacturer and the foreign merchant. I do not conceive the loss is sustained by the merchant. It is sustained by every citizen in proportion to his consumption. If the interest of agriculture is promoted, the mercantile interest must participate. I consider the agricultural interest as the source, and cannot agree that the mercantile should either be the first or only object of our attention. And suppose a temporary inconvenience to arise from the adoption of the resolutions, I think they ought to be adopted when intended, and I think it is evident to any person who will contemplate the degree in which Great Britain is dependent on the United States for her exports, that they will be productive of lasting advantages. Is there a probability of our being relieved otherwise than by our own exertions? Or can gentlemen fix the boundary beyond which they will not go, in their restrictions, should we continue to acquiesce? I confess I expect nothing short of the entire profits of all our labor will satisfy them. If we are to judge of the future by the past, and I do not think we have a right to suppose a change in her motives or principles, we are to expect regulations which will throw into the pockets of her citizens all the profits of the labor of the United States.

Gentlemen confess her Navigation Act operates against us. But it is said she treats us as she does all other nations, which, to me, I confess, is no reason we should suffer injustice. Yet not contented with the restrictions on our trade, we have it in proof she had a principal and unsolicited agency in the late truce, whereby our vessels are subjected to depredations and to being captured. I will not say what was their principal motive, but it is another means of throwing into their hands an additional portion of our carrying trade. They condemn as prize goods carrying to the ports of France. Our vessels are seized, searched, and detained unnecessarily. This conduct has constrained the French, in their own defence, to adopt similar regulations. All of which is confessedly against the Law of Nations. Their forcing or enticing our seamen on board their vessels, is calculated to increase their shipping by excluding

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

ours. And this done, whilst we were leaving trade to regulate itself, whilst we were tamely submitting to their restrictions.

Under these circumstances, we have no reason to hope for a favorable change. I think the most distant hope cannot be entertained. No alternative remains but an entire acquiescence, or availing ourselves of the peculiarly favorable circumstances of our commercial relations, to enforce justice. This may be deemed unjust or unequal amongst nations; I am sure it would not amongst individuals. He who, in merchandizing, is exchanging a necessary of life to the person who needs, and could not be supplied from any other quarter, for property of inferior demand, would not submit to have the terms of exchange dictated to him. He would avail himself of circumstances to enforce justice or refuse the exchange. Why we should not, as a nation, assume a similar conduct, I know not.

Counter regulations are apprehended. I wish the gentleman had pointed out what regulations they can adopt which will not operate more against them than us. I believe it cannot be done. War is also apprehended. It has not before been suggested. I believe it is not seriously apprehended. As an independent nation, can our doing what Great Britain has done before us—can our doing what we have a right to do as an independent nation, give offence? If this should be made the cause of war, we may rest assured it was pre-determined, and that nothing we could do would prevent it. I believe the only way to cause a war is by tame submission, and to prevent it, is to use our rights, uninfluenced by a fear either of counter-regulations or war.

It was then moved to adjourn the Committee. Mr. W. SMITH wished to speak to the resolutions. But Mr. CLARK observed, that the time of the Committee was pretty far spent, and he believed the gentleman would go into the subject at considerable length. He would therefore submit whether it was not better to defer the observations, and let the Committee rise. The Committee then rose, the Chairman reported progress, and obtained leave to sit again.

Mr. BEATTY, from the committee to whom was recommended the bill for completing and better supporting the Military Establishment of the United States, reported several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time.

FRENCH VESSELS.

It was then moved that the House should take into consideration the report on the case of certain French vessels which have come into the harbors of the United States from St. Domingo, and had requested an exemption from the common tonnage duties.

Mr. S. SMITH said that we had no right to take such duties. They amounted to fifteen thousand dollars; but, if it was an hundred thousand, he would give it all back again.

Mr. FITZSIMONS was of opinion that we had as good a right to the tonnage of these vessels as of any others. He would grant the desire of the petitioners, not as a matter of justice, but of expediency and humanity. Many of these vessels had brought with them valuable cargoes, which were sold in this country. Several of the ships themselves had since been rotting in our ports, to the great loss of the owners. They could not take away any of the produce of this country.

The House now adjourned.

THURSDAY, January 23.

An engrossed bill for completing and better supporting the Military Establishment of the United States, was read the third time, and passed.

COMMERCE OF THE UNITED STATES.

The House resolved itself again into a Committee of the Whole House, on the Resolutions proposed by Mr. MADISON.

Mr. DEXTER opened the debate. He said, that it was somewhat singular to observe, that the members from the Eastern States were generally opposed to the resolutions, though it was commonly understood that these States would reap some advantages from the adoption of them: and, on the other hand, that the members from the Southern States were, for the most part, in favor of the resolutions, though it was expected that their constituents were to suffer by them. There could not be a more striking evidence, that the opposition of the Eastern members originated in the purest and most honorable motives, than their thus rejecting the prospect of benefit. It was needless, he thought, to introduce other nations into this discussion besides Britain and America, since the question in fact regarded them only. Retaliation for the injuries committed by Britain had been recommended. But, if she did not treat us worse than she treated other nations, why should we retaliate on her, when there was no particular discrimination against America? If, by embracing these resolutions, there was a prospect of improving the manufactures and navigation of the United States, he should be happy to support them. But if, upon discussion, it were to appear that they would answer no such end, it certainly could not be regarded as a mark of the want of patriotism to oppose them. He could not see what advantage America was to reap by restricting the navigation and manufactures of one foreign nation, merely to favor those of another. If we buy British manufactures because they are cheapest, to make resolutions which would force us to buy manufactures that are dearer, is in reality a tax. The resolutions tended that way. He could not discover, upon inquiry, those unjust regulations which Britain was said to have established against the commerce and shipping of America. If other nations have not seen it proper to retaliate, why should we? If attempts of this nature have been made without success in Europe, can we hope to succeed? Where is the commercial distinction made against America by Britain, in favor of the other commercial nations of the earth? There is

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

none. Before we try to punish another country for laying restrictions upon our trade, we ought to look into our own conduct, and see whether such a country might not, with equal reason, blame us? Justice, like charity, should begin at home. There was a resemblance between the natural and political body. As the former frequently suffered from bold experiments to cure it of a distemper, so the latter had been often injured by precipitate endeavors to remove its evils. He doubted whether the present situation of America required an energetic or violent interference of the Legislature to secure its welfare. We cannot forestall the growth of nature, or, by forcing our political body to take too much food, bring on manhood before its proper time. The period of maturity will arrive; but let us in the mean time be contented. We are as happy as perhaps we ever shall be. If the balance of trade be against us, it does not follow that we are losers by it. The balance against us is a Foreign Loan, expended for the improvement of agriculture, and by which we are gaining, perhaps, an hundred per cent. It is said that Britain lays taxes upon American trade and shipping. But this is only for the purpose of raising a revenue, and not for the professed design to injure the United States. As to the carrying trade, we shall never grow rich by that; but it deserves to be cultivated, for the sake of improving our maritime strength. It was worth while for poor nations to court it, but it could never be an object with a country like America. We are able to do much better; and we have no business to stretch out in that way. No man could read the resolutions, and say, that they are intended for that purpose. They are plainly levelled against Britain. It had been stated, that the total manufactures of Britain extended to fifty-one or fifty-two millions sterling. Of this, America took off two millions. Four per cent. was but a trifle, in the manufactures of Britain, and could not be supposed to influence her conduct. A member [Mr. CLARK] had said the other day, that in consequence of the alarm spread by our non-importation agreement, the stamp-act had formerly been repealed by Britain. The gentleman certainly knew, that there were much more weighty causes for rescinding that act. It was vain to think that we should be able to prevent the importation of British manufactures into this country. They would be sent to us through France. It was not easy to starve the British nation. It had been said, that they depended upon America for the raw materials of some of their manufactures. But in case we quarrelled with them, it was possible that they would be able to find means for raising raw materials at home, and this might be productive of many bad consequences to America. Retaliation was greatly to be apprehended. It had yesterday been asked, with great confidence, by a gentleman, in what way Britain could hurt America? It might be done in many ways: she might do it by tonnage duty, and by discriminating duties. That Britain had it in her power to retaliate, nobody could doubt. The people of that country are as angry

at us as we are at them, in regard to commercial restrictions. When the bond of interest is once broken, it is easy to get into a war. As to piracies committed on our ships, Mr. D. said, that he felt for the prostrate honor of his country, but this is not the proper season to retaliate. It had been said, that the proposed resolutions would force Britain to enter into a Commercial Treaty with us. He had great doubts about the benefits derived from such transactions. Though he must oppose the resolutions, he had no predilection for Britain; and he felt most sensibly her injuries to America.

Mr. CLARK conceived himself alluded to, as having said that we might force Britain into a Commercial Treaty. No, sir, (said Mr. C.) before we make a new treaty, *let them execute the last that they made with us*, by giving up the Western posts.

Mr. DEXTER replied, that he never had meant to refer to the member as having said so. He made a general answer to such observations as he had heard from any part of the House. He had only referred to Mr. CLARK in regard to the stamp-act.

Mr. MADISON next rose in reply to some remarks made by Mr. DEXTER. He said, that he wondered how gentlemen could suppose that to be *war on the table*. Did they suppose Britain so unwise or so unjust as to declare a war? Every consideration of interest must prevent it. He hoped that we did not now deliberate as a Colony, but as an independent people, whose measures were not to be dictated by any other Powers. What could Britain gain by a contest? Would war employ her starving manufacturers? Would war furnish provisions to her West India Islands, which in that case must also starve? Would war give employment to the vessels that had formerly imported luxuries to America? Were Britain to declare war, he could give no name equal to her folly. She would plunge herself ten times deeper in the difficulties that she wanted to avoid. Every counter-regulation would be a stroke against herself.

Mr. AMES spoke a few words on the impropriety of making an accusation against Britain, without advancing specific facts and specific evidence to support them.

Mr. GILES commenced his remarks by observing that, if an apology had been deemed necessary from the nature of the subject, and the vote he proposed to give upon it, it was rendered more so from the eloquence displayed by the gentleman who had just preceded him, [Mr. DEXTER, of Massachusetts.] The gentleman has done ample justice to one side of the subject, and he was sensible the opposite side, in his hands, would suffer by the comparison. He proposed under his present impressions to vote for the general proposition, and such of the resolutions in detail as would carry the general principle into full effect.

These measures contemplate considerable innovations in the existing state of the commerce of the United States. He had anticipated the gentleman last up, in the reflection that extensive in-

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

novations into existing systems ought to be adopted with caution. Calculations upon which they are founded, should be adjusted to the magnitude of the expected object, and the probable efficacy of the means proposed to be used for its attainment.

Hence he readily admitted, that strong reasons in favor of the proposed measures ought to be expected before their adoption; and any possible hazard of their results ought to be amply compensated, for the importance of the end to be attained.

He observed, there was another circumstance which justified an apology. The mercantile interest of the United States will be the most immediately affected in their occupations by the proposed measures, and the gentlemen of this House, from this scene of business, seem most to doubt their expediency.

We have been told, with emphasis, of the intelligence and patriotism of the merchants of America, and it is admitted that the truth has not been exceeded. The merchants deserve great credit for their conduct since the existence of the present Government; and their opinions upon this subject ought to produce additional caution.

It should be remarked, however, that merchants, like all other descriptions of men, are influenced in some degree by existing connexions, formed habits, and consequent prejudices; they recoil from any possible interruption in the usual course of their business.

They magnify every hazard arising from a change in the direction of their employment, into certain and positive loss. Although, therefore, their opinions ought to have weight and produce caution, yet they ought not to command a decision from others, unattended with conviction. For if those of the Committee, not of this description, be compelled to decide upon the present question from extraneous mercantile indications, without requiring convictions from their reasonings, there are indications of the mercantile scene on the other side the Atlantic, operating in commendation of the propositions with as much force as those on this side the Atlantic, in opposition to them. It is remarkable that this whole description of men are actively opposed to the passage of the proposed measures. Their sensations upon this subject have been evidenced by their anxious attendance upon the progress of the matter. If the propositions should eventuate in a national commercial conflict, the inference in general might be made, that what it is their interest to prevent it is our interest to enact. The British Court are equally sensitive upon this subject. They have at several periods manifested their alarms. It may be concluded that these sensations have arisen from the opinion that the effects of the propositions will be such as are calculated upon by the favorers of them. He was unwilling, however, to hazard a vote upon any extraneous circumstances, and should look into the merits of the question.

He felt that some apology was due to the State and district whose immediate representative he was. Virginia is an exporting State, without vessels, and without a mercantile capital, equal to

the employment afforded to capital. The town of Petersburg exports much in value and much in bulk; the surrounding country grows these articles; vessels and capital are waiting for the exportation of this produce. Hence the proposed measures will be particularly felt for some time by this part of the United States.

He relied, however, with confidence on the virtue and patriotism of the people, and should act from a belief that they would even rejoice in a temporary inconvenience with a view to permanent good; and that their joy would not be diminished by the recollection that the temporary ill which they may sustain would produce a temporary advantage to their Eastern brethren, without excluding them from a full participation in the permanent good to be expected.

He remarked, that he felt the more diffidence upon this subject, since he frankly acknowledged that he did not possess an accurate knowledge of the details of commerce, and did not propose to make any material addition to the stock of mercantile information now before the Committee. He proposed to use the facts furnished by other gentlemen, and acknowledged an obligation for the information they contain. He proposed to consider the subject, in the various shapes it had assumed since the commencement of the discussion, and to state the results which had been formed in his own mind. In making the attempt, general principles will be resorted to, and minute arithmetical calculations as much as possible avoided.

The gentleman who first favored the Committee with his remarks, [Mr. SMITH, of South Carolina,] admonished them of the propriety of separating political from commercial considerations in the course of discussion. If this rule had been rigidly enforced, he remarked that perhaps three-fourths of the impressions made upon his mind favorable to the propositions, would have been lopped off without consideration. He could not conceive for what cause the political should be separated from the commercial part of the subject. The propositions may eventuate in a change in the direction of the business of one whole occupation in society; a change of the disposition of the nation, in so important a point, must have a very interesting political aspect, as it relates to the Government internally. The present subject exhibits an important political feature, as it relates to the external connexions of the Government with foreign nations. If, therefore, it should be observed as a rule to pass upon this subject, by excluding from view all the political considerations connected with it, the rule would include an essential omission of duty. The gentleman himself, however, in the next sentence, furnished an example of the violation of the precept he had just prescribed, by calling the attention of the Committee to the political situation of the United States, at this delicate crisis, and urging this circumstance as one reason against the adoption of the propositions. The gentleman then proceeded to present the subject in two points of view. The one, the relative conduct of France and Great

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

Britain towards the United States; the other, the conduct of Great Britain towards the United States, comparatively with other foreign nations. To present the subject in the first point of view, the gentleman furnished an anonymous table, calculated to a date anterior to the commencement of the late revolution in France. As the only history of this table, with which the Committee have been favored, was that it was the compilation of a gentleman of considerable mercantile information, it is presumed the gentleman will not be surprised if it should be deemed to be of doubtful authority; the rather as it was the ground of a severe and unmerited crimination of the gentleman whose report is now under consideration, and who it is believed would not suffer in a comparison, in point of intelligence, accuracy, or patriotism, either with the laborious compiler of the table, or with the gentleman who has been judiciously selected for its interpreter.

He remarked, that the table bore upon the face of it evident marks of partiality, and instead of having them effaced, they were aggravated by the commentator.

One irresistible evidence of the partiality of the table, consists in asserting that American flour is free to the British West Indies, and excluding from view the absolute monopoly of the carriage, and the monopoly of contracts for returns.

It is presumed that the gentleman, at least, cannot except to this criticism on the table, because one of his chief censures against the gentleman whose report is before the Committee, which was even carried so far as to infer improper motives, arose from a suggested omission in the report, which will be found upon examination to be wholly immaterial. An evident partiality is observable in the interpreter of the table, in an earnest attempt to establish this principle: that prohibitory duties on flour in Great Britain afforded an equal encouragement of the article by commercial regulations, with a free importation into France, or at least with a duty admitted by the gentleman to be too trifling to be counted. The commercial arrangements of France in this particular, leave this article upon the true ground of competition in the growth of the article; this ground of competition is destroyed in Great Britain by commercial restrictions. In the one case, competition in the market is all that could be reasonably expected, and that is granted; in the other case, competition would be alike desirable, and there it is provisionally excluded.

Another evidence of the partiality of the interpreter of the table consists in the zealous attempt to establish it as a principle, that 1s. 3d. sterling duty upon tobacco per lb. is no discouragement to the growth of that article; this idea was grounded upon the suggestion, that the consumption is not thereby lessened, no substitute being afforded for it in Great Britain. Tobacco does not average to the exporter two pence sterling per pound. The duty is at least seven times as great as the prime cost of the article. The great consumption of this article is by the poorer order of the people. The state of society is such in Britain at present, that

hard labor during a whole year will hardly afford a scanty subsistence to the laborer; hence necessity compels this description of persons to economize in the use of the article, or to avoid the use of it altogether; of course, the consumption is materially lessened, and the growth of the article is discouraged from the operation of the duty. The gentleman founded his fierce attack against the gentleman whose report is now under consideration, for omitting to insert in his report that there was a higher duty imposed by Great Britain upon all other foreign tobacco than that of the United States, and hence inferred a friendly disposition from Great Britain to the United States. The insertion of the fact would have added to the bulk of the report, but could convey no additional useful information.

It is known that the high duties imposed upon all foreign tobaccos, took its rise during the Colonial existence of these States; it is known that it has not been altered since their independence; it is known that the tobaccos of the United States are furnished at so much cheaper rates than those of any other country, that there would be no danger of competition if the duties in Britain were the same on each. It is likewise known that the United States furnished a sufficient, a redundant supply for the consumption of all Europe; hence Great Britain has not thought proper since the Revolution to destroy this relic of Colonial regulations, not because she wished to favor us, but because she would not thereby have benefited herself; hence, too, the omission of this information could not be material, and the insertion of it would only have served to contradict the inference endeavored to be established, of the favorable disposition of Great Britain towards the United States.

There is one manifest impropriety in confining our inquiries to the date prescribed by the gentleman for this table; it would involve the absurd consequence of adjusting our laws to a retrospective, instead of a progressive state of things. It would be as ridiculous as an attempt by law to prescribe rules for the proper deportment of the ghosts of our forefathers. It is to be hoped that the date could not have been fixed upon from a wish that the United States should indirectly furnish a countenance for the restoration of despotism; and it was matter of regret that the gentleman should openly avow a distrust of the permanency of the French Revolution as one motive for the conduct.

Mr. G. remarked, that he hoped the permanency of the Revolution of France was as much greater than the permanency of the ancient despotism of France, as the great fabric of nature, to the petty plastic productions of art.

Here Mr. SMITH rose to explain: He said he had pursued a principle adopted by Mr. JEFFERSON in his Report. He read a passage from the Report, from which it appeared that the Report had been calculated to the Summer of 1792.

Mr. GILES replied, that the principle was just reversed; the one had reference to a state of things posterior to the Revolution; the other, an-

H. of R.]

Commerce of the United States.

JANUARY, 1794.

terior to the commencement of it, during the existence of the ancient despotism.

If the table were to have any influence, it must arise from stating the real relative dispositions of France and Great Britain towards the United States; but, if the epoch to which it relates is to govern, it will exclude some of the strongest testimonies of the inimical temper of Great Britain, and of the friendly temper of France.

Are these considerations to have less weight, or to be wholly excluded from the view, because they are more recent? Is it because we are now laboring under these aggressions, and from some late despatches, likely to continue, so that a remedy is to be withheld? He thought not; and therefore should proceed to state some of the evidences of the dispositions of the two nations, displayed since the epoch alluded to.

Great Britain has subjected our vessels, upon the high sea, to seizure and scarch, and exempted those of Sweden and Denmark. He wished to press this fact upon the gentleman who preceded him, because he had denied that Great Britain had made any discriminations amongst foreign nations injurious to the United States.

Great Britain has invaded our vessels on the high seas, and refused them the protection of French property. This is an acknowledged violation of the laws of nations; at least of the last Convention of Nations upon the subject.

Great Britain has prevented our vessels from conveying to our friend and ally goods not contraband, and compelled them to make sales to herself or some of her allies.

Great Britain has compelled our vessels to deviate their courses, and, to their great hazard and loss, detained them for trial upon frivolous pretences.

Our vessels have been subjected, in her Courts, to the danger of subornation; to precarious and uncertain testimony.

Great Britain has been the instrument of letting loose the pirates of the Barbary States upon our commerce. This fact, however doubted upon the first report, is placed beyond doubt by the late conduct of Portugal towards our vessels in her ports.

Are these facts denied? If not, do they not operate directly and specifically upon our commerce? Is it not astonishing, after all these facts are known, and often repeated, that gentlemen should be heard to inquire, what injuries have we received from Great Britain, and to infer that the United States are equally favored with other nations? In addition to these things, Great Britain has observed the most rigid silence upon the subject of friendly commercial arrangements. The gentleman who preceded him, doubted her indisposition for a treaty; silence is a refusal to act; a refusal to act is a denial. The late despatches do not furnish the most distant hope of a change of disposition in this respect.

France, on the other hand, has offered a renewal of the existing commercial treaty upon the most liberal policy.

It has been asked, in the tone of sarcastic triumph, and from so many quarters of the Commit-

tee, as to give it the air of previous concert, What advantages have the United States received from the French treaty? The question is answered by recurrence to the date of its existence, it is dated in February, 1778! It acknowledged our right to trade as a nation! It was the first act of our national sovereignty, acknowledged by a great and powerful nation.

Americans at that day deemed it no inconsiderable boon, and this is the first time *Americans* have ever questioned it. If a prophet, in 1778, had foretold that, in 1794, this question should have been triumphantly put in an American Congress, would he not have been deemed a visionary, and would not the prophecy have been deemed an imputation upon the American character? Yet, so strange a prophecy would have been realized! But, let it be supposed that the treaty be a disadvantageous one to the United States; how would the admission affect the present question? France seems to have admitted that the treaty does not embrace all the advantages arising from the mutual intercourse of the two nations, and has proposed to liberalize the terms. The disadvantages of the treaty have been suggested.

It should be recollected that the circumstance of inconvenience alluded to, depended upon a contingency—it first happened to France. It might, however, first have happened to the United States; and if the United States had been engaged in a war, and France neutral, the inconvenience complained of would have been reversed.

The incompatibility of the mercantile interest with the success of the French cause, in the present state of commerce, is a circumstance to be regretted, since it has, perhaps, produced more disaffection in the American mind than any other cause. In this part of the subject, a tart old adage has been quoted and repeated as a proper rule of conduct: "No friendship in trade." It is presumed that this maxim can never be extended to mean, that it is better to trade with an enemy than a friend. It would be deemed an act of folly in an individual to prefer an enemy for a customer, to a friend; particularly if he knew that the enemy would cut his throat, or rob him of his purse the first opportunity which might occur, and thus deprive him totally of the means of trade—the remark applies more strongly to nations; because they are not subject to municipal restraints; their power and their will are only to be consulted. The friendship of a nation, particularly a great nation, is intrinsically a matter of value. It becomes an important item of calculation when it is founded upon interest. This is the case between the United States and France at this moment. It is the interest of France, that the United States should continue a Republican form of Government. It is the interest, it is, perhaps, the salvation of the United States, that France should establish and preserve a Republican form of Government. He was, therefore, of opinion, that the favorable disposition of France, towards the United States, grounded upon interest, is a thing of material value, and ought to be taken into calculation, even under the rigid maxim prescribed.

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

A gentleman from Virginia, [Mr. LEE,] to avoid the force of these considerations, had remarked that there was a greater similarity in the Government of the United States, to that of Great Britain, than to that of France. He remarked, that the French Republic was one and indivisible; that the Government of the United States was a confederated Republic. This constitutes no essential difference in the fundamental principle of the two Governments; the foundation of both is, the consent of the people; the pursuit of both, an equality of rights. The British Government, he remarked, was composed of three branches, as was that of the United States. It should be remarked, that they differed essentially in the component materials; coercion and not the consent of the people, is the foundation of the British Government. Its pursuit, a monopoly, and not an equality of rights. He would dismiss this part of the subject, by concluding that, so far as the relative dispositions of France and Britain may affect the subject, every fair consideration deducible therefrom, operates, conclusively, in favor of the propositions.

The second point in view, in which this subject has been presented to the Committee, is, the conduct of Great Britain, towards the United States, comparatively with foreign nations. He did not think this at all interesting to the United States; and was surprised, that the gentleman who just preceded him, should have renewed and relied so much upon it. It cannot be material to us, that Great Britain should impose the same terms, upon all other nations, which she imposes upon the United States; provided they be alike injurious and dishonorable to all. It is a poor consolation, that, whilst the United States are in a state of commercial bondage, all other nations, except one, should be equally so. In the commercial world, Great Britain has assumed the position of the dominant nation; but she is indebted to the acquiescence of other nations, more than to her own energy, for the enjoyment of it.

The United States ought not to wait for an example from other nations. They ought to convince the world of nations, that they understand their own rights, as a nation; and possess spirit and ability to assert and enforce them.

He would, therefore, dismiss this part of the subject, without further comment, and proceed to consider it in a more interesting feature; as it respects the commercial intercourse directly between the United States and Great Britain.

The true grounds upon which the subject ought to be considered, are the following:

Whether, in the existing state of things, the United States do reciprocate with Great Britain the commercial advantages arising from their mutual intercourse, calculated upon the relative need of each country, for the supplies of the other? and, if not, whether the relative situation of the two countries, and the nature of their respective supplies do not enable the United States to demand and enforce a reciprocity? And, whether political considerations do not combine in recommending the measure at the present moment? It is expected that the propositions, if carried into effect,

would eventuate either in a commercial treaty between the United States and Great Britain upon terms of reciprocity; or in a commercial conflict between the two nations.

It is to be observed, that doubts have been suggested respecting the advantages of commercial treaties, upon abstract grounds. Commercial treaties are admitted to be the creatures of the selfish and jealous policy of nations.

It would be a desirable thing for mankind, if there existed but one commercial treaty, common to all nations; and that this treaty should be founded upon the principle of a mere interchange of citizenship, for commercial purposes. This arrangement would facilitate the interchange of the various products of the earth, according to the evident will of the Great Author of Nature. In the execution of such interchange, good faith, enterprise, and industry, would find their true reward. This benefit to mankind can never be expected, so long as the rights (as they are called) of despots shall be more respected and practiced upon than the Rights of Man. It is the knowledge, in despots, of their own usurpations, and their fears of detection, which interdict this great benefit to man. Hence, commercial treaties have become necessary, to reciprocate the advantages of the interchange of the products of the contracting nations, by relaxing the principle of restrictions. To test the advantages of commercial treaties, in the existing state of things, it would be proper to inquire what would be the effect of a single nation which should acquiesce under restrictions, whilst all other nations imposed them?

One evident effect would be a complete monopoly of the carrying trade. Another effect would be, a change in the internal direction of labor. This effect would be produced by unequal duties upon different species of products.

If the trade of the acquiescing nation should be monopolized by any one imposing nation, an irresistible influence would be gained upon the internal administration of the Government of the acquiescing nation. It is not ascertained how far this may be the relative situation of the United States and Great Britain at this moment. It is admitted she has monopolized one-half of our trade; she has a mercantile capital, operating from the extremes of New Hampshire to the extremes of Georgia; and agents engaged in the management of it. Intimate connexions are formed between them and our citizens. Hence, he was inclined to think, that an insensible foreign influence was operating, at this moment, upon our councils.

In this state of things, necessity and self-preservation dictate the measure of restrictions to counteract opposing restrictions, or a commercial treaty, calculated to remedy their ill effects.

To test the first inquiry, whether, in the present state of things, the United States do reciprocate with Great Britain in the commercial advantages arising from their mutual intercourse, calculated upon the relative need of each country, for the supplies of the other, he presented a statement which had been relied upon by the gentleman who introduced the propositions, showing, in round

numbers, the total tonnage, and seamen employed in the intercourse between the United States and Great Britain, with the proportion thereof employed by each nation. This statement had reference to the year 1792, and if it were not critically correct, it was at least as favorable to the United States, as truth would warrant.

The whole amount of tonnage, 222,000; the whole amount of seamen, 13,320. Of these totals, the British employed 156,000; the United States, 66,000 tons. The British employed 9,360 seamen; the United States employed 3,960 seamen. This is a most striking view of the subject, and if there be not some peculiar quality in the articles of which this intercourse is composed, to justify this state of things, he should conclude, that there is not an equal participation in the advantages of mutual intercourse; and, instead of finding anything from the nature of the articles constituting the trade to justify the inequality, every consideration from that source serves to aggravate the inequality.

The whole trade of the United States to the British West India Dominions, is a complete monopoly in favor of Britain; of course, an equal participation in that part of the trade was not contended. If, then, the United States do not participate equally in the advantages of their intercourse with Great Britain, it is proper to inquire whether the nature of their supplies, and their present political situation, do not enable them to demand and enforce a reciprocity? The supplies of the United States to Britain, consist either of articles for re-exportation, or rude fabrics for manufactures.

The articles of supply from Great Britain, to the United States, are for their own consumption; and the great proportion, at least in point of value, consists of luxuries.

Great Britain is incompetent to her own supply of subsistence, and is every day becoming more incompetent. The gentleman from South Carolina proved this fact to the Committee by an official undeniable document. He relied upon the fact, to prove that Great Britain will hereafter become a better customer to the United States. He seemed unaware that it established a more important point; that she is becoming a more dependent customer. This is one of the most important considerations afforded by the whole subject; it is the principal one which would give the turn to his vote. He made two very interesting reflections from it; the one, that continual increase of debt, and paper machinery, will not produce a correspondent increase of ability in the nation to feed itself. That an infinity of paper will not produce an infinity of food. The other, that proportioned to the inability of Great Britain to feed herself, will be her dependence upon a nation who can feed her. The United States furnish an abundant supply of subsistence for herself, and will shortly be able to feed the increasing wants of Great Britain.

In Great Britain, every species of occupation and employment is not only filled, but surcharged. Her subjects, as was emphatically remarked by

the gentleman who preceded him, were compelled to plough the ocean for subsistence. Hence, the difficulty of changing the direction of labor.

In the United States, agriculture, the primary occupation of man, is not yet filled; hence, the facility of changing the direction of labor.

One-sixth of the whole exported manufactures of Great Britain finds a market and consumption in the United States; at least 50,000 hands are employed in making this supply: stop the consumption, and examine the effect. The gentleman who preceded him is of opinion, that no great effect can be expected from so trivial a cause. If he would reflect that the nation is incompetent to her own supply of subsistence; is growing still more so, and that every occupation is surcharged, depriving 50,000 persons of the means of subsistence would not be a trivial cause. In such a state of things it would be a great cause, which might produce great effects.

Great Britain, tottering under the weight of a King, a Court, a nobility, a priesthood, armies, navies, debts, and all the complicated machinery of oppression, which serves to increase the number of unproductive, and lessen the number of productive hands, (the true source of the inability of the nation to feed herself,) at this moment engaged in a foreign war; taxation, already carried to the ultimatum of financial device; the ability of the people already displayed in the payment of taxes, constituting a political phenomenon; all prove the debility of the system, and the decrepitude of old age. On the other hand, the United States, in the flower of youth, increasing in hands, increasing in wealth; and, although an imitative policy has unfortunately prevailed in the erection of a funded debt, in the establishment of an army, anticipating a navy, and all the paper machinery for increasing the number of unproductive, and lessening the number of productive hands; yet, the operations of natural causes have, as yet, in some degree, counterbalanced their influence, and still furnish a great superiority, in comparison with Great Britain.

There is another interesting fact, which ought to be considered; the expensive machinery of the British Government has produced a necessity for revenue, which exceeds the ability of her whole internal resources; her Navigation Act taxes all nations for a portion of her revenue; she is indebted to the acquiescence of other nations for its products, rather than to her own ability to enforce it.

It has been said and repeated, that the Navigation Act of Great Britain is irresistible. He believed no serious experiment had ever been made upon it, and no reason has been assigned for the assertion. He could see no peculiar quality attached to that act, to distinguish it from any other act, or to render it more irresistible; nor should he believe it possessed such a peculiar quality, without it could be pointed out, and made visible. But, if such be the quality of a Navigation Act, why would not a Navigation Act, passed by the United States, be equally irresistible? It would certainly counteract the force of the British Navi-

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

gation Act, so far as it taxes the United States; and this example to other nations might be attended with serious effects to Great Britain in the present forced state of things in that Government.

It has been said by a gentleman from Maryland, [Mr. FORREST,] that only one-sixth of the trade of Great Britain is carried on with the United States; and that one-half of the trade of the United States is carried on with Great Britain; and from those facts, he inferred that, in a state of a commercial conflict between the two nations, the United States would be the sufferer in the same proportion. This is an interesting view of the subject, and it ought to be examined. From a mere theoretic proposition, the inference would be just; but it is completely reversed by the existing practical state of things; in the existing state of things, the one-sixth of the trade of Great Britain to the United States, is extremely profitable to her. It consists of articles, in some degree, essential to her other trade. Pot and pearl ash, for her linen; indigo, for her cloth; tobacco, for manufactures and re-exportation, and, of course, making a part of the other five-sixths of her trade; lumber, for her Navy and her West India Dominions. Whereas, one-half of the trade of the United States to Great Britain may be a losing trade, a great proportion of it consists of luxuries for consumption, after having received the last polish from the artisan; and so far cannot be essential. He thought this consideration had not made the impression upon the Committee which it merited. If the United States be competent to their own supply of useful and necessary articles, or can furnish themselves from other markets, he did not believe that any ill would arise from making articles of mere luxury, less accessible to the citizens of the United States than they now are; on the contrary, he believed it would add to the morals, the wealth, and the independence of the United States. Most of the preceding remarks apply to the trade carried on directly between the United States and Great Britain. Her West India Dominions are more at our mercy; and it is there the dominant nation imposes the most injurious and dishonorable conditions upon our trade. To present to the Committee a general view of this part of the subject, he requested to be indulged with reading a few concise passages from Mr. T. Cox's reply to Lord Sheffield, upon Commerce. This performance, he remarked, had great merit for its intelligence, accuracy, and candor:

GREAT BRITAIN

Prohibits American vessels from entering into the ports of several parts of her Dominions, viz: the West Indies, Canada, Nova Scotia, New Brunswick, Newfoundland, Cape Breton, Hudson's Bay, Honduras Bay, and her East India spice market.

Great Britain imposes double light money on

THE UNITED STATES

Admit British vessels into all their ports, subject to a tonnage duty of forty-four cents, or twenty four sterling pence, more than American vessels, and an addition of one tenth, to the amount of the impost accruing to their cargoes.

The United States do not impose extra light mo-

American vessels in most of her ports.

Great Britain prohibits the employment of American-built ships by her own citizens in many branches of trade, upon any terms.

Great Britain prohibits the importation of goods into Great Britain by American vessels, from any other country than the United States.

Great Britain prohibits the importation into Great Britain from the United States, by American vessels, of all goods not produced by the United States, and others, at all times.

Great Britain prohibits, for considerable terms of time, some of the principal agricultural productions of the United States, and others, at all times.

Great Britain prohibits the importation of some American articles in American ships, or any but British ships, into her European Dominions.

Great Britain does not permit an American citizen to import goods into some of her Dominions, and to sell them there, even in British vessels. In other parts of her Dominions, she lays an extra tax on him or his sales.

Great Britain prohibits the consumption of some American articles, of which she permits the importation.

Great Britain prohibits the importation of American articles from foreign countries into British Dominions, even in her own ships.

neq on British vessels in any of their ports.

The United States admit the employment of British-built ships by their own citizens in every branch of trade, upon the terms of forty-four cents extra per ton, and one-tenth extra on the impost arising from their cargoes.

The United States admit the importation of goods into the United States in British vessels, from every country whatever.

The United States do not prohibit the importation into the United States from Great Britain by British vessels, of any goods not produced by Great Britain.

The United States prohibit none of the agricultural productions of Great Britain or her Dominions.

The United States do not prohibit the importation of any British article in British vessels, or any but American vessels.

The United States permit a British citizen to import goods into all their ports, in any vessels, and to sell them there without any extra tax on him or his sales.

The United States do not prohibit the consumption of any British article whatever.

The United States do not prohibit the importation of British articles from foreign countries, in any ships.

From the view of the subject here exhibited, it would be naturally inferred, that the United States must be dependent upon the West Indies for their very existence; but it is known, that truth consists in the reverse of this fact; hence, the true order in the nature of things is reversed from artificial arrangements; and, he believed, that nothing but exertion was necessary to reinstate the just and natural order of things. Let the article of rum be taken as a further illustration of this part of the subject.

Itum affords the whole calculated profits of the

West Indies, the whole of the other products are supposed to be only equivalent to the charges for the support of the Islands. Rum is dutied in Great Britain almost equal to a prohibition. The United States furnish its chief, its only, competent market. They afford lumber for the vessels enclosing it. They afford bread for the workmen raising it. The article itself is a ruinous luxury. Under these circumstances, take a view of the terms upon which this article is supplied to the United States. The carriage is completely monopolized. The carriage of the articles given in exchange, articles indispensable to the prosperity of the Islands, completely monopolized. The contracts for the interchange completely monopolized. If the United States were to withhold their supplies from the West Indies, either they would become unprofitable to Great Britain, or she must relax the existing conditions imposed on our intercourse with them.

Nothing can be more degrading and insulting to the United States than the temporary suspensions of the prohibitory restrictions. Behold a hungry Colonial Prefect, at least a Prefect anticipating hunger, declaring by proclamation to the citizens of the United States, that if they will furnish him with food within a certain given limited time he will vouchsafe to eat it; and behold the citizens of the United States eagerly catching at this singular act of condescension!

Although it has been contended that our commerce with Great Britain is upon a footing not to be complained of, it has been conceded that our navigation labors under undue restrictions. A gentleman from Massachusetts, [Mr. GOODHUE,] who is remarkable for the perspicuity and definiteness of his ideas, seems to have had rather loose conceptions upon this subject. That gentleman remarked, and it has been repeated, that he was in favor of an increase of tonnage upon all foreign vessels, without discrimination. His motive was the protection of our own shipping. His objection to the discrimination was the competition of France. The gentleman remarked, at the same time, that in case high duties should be imposed upon British manufactures, France, in the present state of things, was disqualified from supplying us. If the gentleman really has the protection of our shipping, as well as the manufactures at heart, by extending his reflections a little further he would have found a consolation in this truth—that the same cause which at present disqualifies France from supplying us with manufactures, would disqualify her from any dangerous competition with our shipping; but can it be deemed a serious and valid objection to the propositions, that France may ultimately participate in the advantages? Is this a proper ground for refusing to our shipping and manufactures a present as well as a permanent encouragement? The same gentleman remarked, that the increased duties would operate as a tax upon our constituents; if this should be one effect, it ought not to afford an objection. If they be productive, it will increase the ability of the Treasury, and it is known that an increase of revenue is anticipated. This objection does not,

however, comport with another, which has been indefinitely mentioned by several gentlemen, but has been reduced to more definiteness by a gentleman from Maryland, [Mr. FORREST.] He asserted that three-fourths of our revenue will be affected by the propositions on the table.

This is an important consideration, and merits examination. He declared that no gentleman was more disposed than himself to vote for that portion of revenue which should be deemed essential to the proper and necessary energy of the Government; he thought this part of the subject had been superficially examined; he admitted the revenue may ultimately be lessened, but it will not be lost. There is no certainty that it will be lessened. From his view of the propositions, and the manner in which the blanks will probably be filled, he was of opinion that the revenue would for some time be augmented by carrying the propositions into effect.

This would continue to be the case until the increase of duties should so far diminish importations as to counterbalance the difference between the existing duties and those proposed to be laid.

If the operation of the propositions should diminish the importation of luxuries, so far he thought it would increase the ability of the United States to pay revenue; and he did not conceive the particular mode of drawing revenue was at all important to the United States. But if this argument of revenue be conclusive, at what time will it cease to operate with the same force that it now does? If gentlemen have anticipated the glorious period, divulge the pleasing secret, when the nation may make an exertion for the restoration of violated rights without alarms to revenue!

It has been emphatically remarked by a gentleman from New Jersey, [Mr. CLARK,] who has had great experience in American affairs, that this was not the language of America at the time of the non-importation associations. This was not the language of America at the time of the Declaration of Independence. Whence, then, this change of American sentiment? Has America less ability than she then had? Is she less prepared for a national trial than she then was? This cannot be pretended. There has been, it is true, one great change in her political situation. America has now a funded debt; she had no funded debt at those glorious epochs. May not this change of sentiment, therefore, be looked for in her change of situation in this respect? May it not be looked for in the imitative sympathetic organization of our funds with the British funds? May it not be looked for in the indiscriminate participations of citizens and foreigners in the emoluments of the funds? May it not be looked for in the wishes of some to assimilate the Government of the United States to that of Great Britain, or at least in wishes for a more intimate connexion?

If these causes exist, it is not difficult to find the source of the national debility. It is not difficult to see that the interests of the few who receive and disburse the public contributions, are more respected than the interests of the great majority of the society who furnish the contributions. It is

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

not difficult to see that the Government, instead of legislating for a few millions, is legislating for a few thousands, and that the sacredness of their rights is the great obstacle to a great national exertion.

Mr. G. remarked, that political considerations, in his opinion, combined in recommending the propositions at the present moment. The European war, the delicate crisis of the war, afforded in his mind strong inducements to the measure. These considerations had been urged with a view to an opposite effect; but he would ask, what time would be chosen by a wise nation, comparatively weak, to address herself to an unjust nation, comparatively strong, for a restoration of violated rights? Would it not be when the strong nation should be so engaged as to be incapable of exerting her whole undivided force in the resistance? This is the case with Great Britain, at present; for, whatever may be the ultimate result of the present European contest, the subjugation of France will require at least another campaign. Here he thought the tart adage quoted by some gentleman, fitted the subject much better than that part of it to which it had been applied. No friendship in trade. The United States only demanded a restoration of violated rights. Great Britain has committed the violation. It was unnecessary to recapitulate the aggressions of Great Britain upon the national rights of the United States. He could not help repeating one circumstance—her subjecting American vessels to seizure and search, and exempting those of Sweden and Denmark. This evidenced a peculiar enmity levelled at the United States. He mentioned this circumstance for another reason. It should be recollected that some unauthorized attempts were made upon the vessels of Sweden and Denmark, and that firm and manly answers produced concessions. As the only neutral nations except the United States, they have set an example which ought to be imitated; for, notwithstanding the trivial weight of the United States in the scale of European affairs, as has been suggested, he believed that Great Britain would prefer a war with both those nations to a war with the United States.

The recent example of Sweden and Denmark, proves that the British Cabinet are as sensible of the advantages of concession, in some cases, as they were insensible in other cases, of the dishonor of committing depredations on the rights of other nations.

Mr. G. thought another consideration of the moment extremely important. The injuries and insults of Great Britain, repeated and continued, have excited such an impulse in the public mind, that the whole people would feelingly second any decisive measures which the Government might adopt for restoring the honor of the nation; and, if a national trial should be the result of the propositions, it would from that cause be commenced under the most pleasing and promising auspices. Several gentlemen opposed to the resolutions have declared their resentment against Britain, and professed themselves for energetic measures to restore the honor of the nation. He wished the gentle-

men would specify their propositions, and bring them before the Committee; he thought it would be a much better evidence of their dispositions than objecting to the present propositions without offering a substitute. He declared that he was not so much wedded to the present propositions, as not to be willing to consider any others which might be better calculated to produce the intended effect. A gentleman from Virginia, [Mr LEE,] who informed the Committee that he was not sent here to indulge his resentments, professed at the same time the most violent resentment against the Cabinet of Great Britain, while he pronounced an eulogy upon the British people. If the people would adopt the gentleman's idea, and separate themselves from the Cabinet, he might be justified in his distinction. The proposition, in that case, would be levelled against the Cabinet, and not against the people. In that event, both his resentment and attachments might be indulged. But, if the gentleman would recollect that the disposition of the people towards the United States is communicated only through the Cabinet, that they support the Cabinet, that the Cabinet is the organ of their will, he will find that his distinction is wholly without foundation.

We have been admonished of the propriety of banishing feeling and resorting to judgment. A nation being composed of the aggregate of individuals, he believed possessed the same feelings; and he doubted the truth of the philosophy which advised us to banish an essential ingredient of human nature. Feeling and judgment ought to perform their respective offices; feeling should stimulate our actions; judgment should direct the wisest means for its gratification; patience is an admirable beast of burden, but not of enterprise; it bears misfortunes well, but was never calculated to resist oppressions. The United States have been injured and insulted. Instead, therefore, of patience and forbearance—wisdom, caution herself, would prescribe boldness, enterprise, energy, firmness. America has therefore pursued this conduct, and experience has proved that it is not unwise. He believed that Great Britain calculated upon her own influence, and a want of concert in our councils; now was the time to convince the world that injury from abroad produced concert at home. This conduct had therefore characterized America; he hoped it would always continue to characterize America.

The Committee now rose, reported progress, and asked leave to sit again.

FRIDAY, January 24.

Ordered, That the Letter from the Governor of Kentucky, enclosing a representation from the Legislature of the said State, respecting an adjustment of a claim of that State against the United States, for the expense of certain expeditions against the Indians, which were laid before the House on the twenty-third day of January, one thousand seven hundred and ninety-three, be referred to the Secretary of the Treasury, with in-

struction to examine the same, and report his opinion thereupon to the House.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. HARTLEY:—I have paid attention to the debates, and have considered them myself at my chamber; but, as many of my ideas and reasons have been already expressed in superior language, it would not be generous in me to detain the Committee for any length of time. Indeed, as our delegation is divided, it becomes me to make a few observations, in order to satisfy my constituents upon what grounds I act.

From the turn the debates have taken, politics are complicated with the present question; and I must observe, that the conduct of Great Britain has not been friendly to the country. She has not delivered up the posts agreeably to treaty, and thereby involving us in an expensive war. The American world is convinced that she has supported the Indians in their war against us. Ammunition and arms they certainly obtained from British agents or factors; and the large body of Indians which was together in the year 1791, part of which defeated General St. Clair's army, and the savages who collected in arms during the last year, must have been subsisted in provisions by the British. No policy of the Indians, in former experience, seems alone to have been adequate to such circumstances. The seizing of the vessels of America, which were bound to France, upon the seas, and taking them into British ports, without regarding whether the places to which they were bound were besieged or not—this is contrary to the law of nations—the wanton cruelty and insolence of some of their privateers, upon the vessels and citizens of this country—besides, there cannot be a doubt respecting the Algerines. They were admitted into the Atlantic by the consent or connivance of Great Britain, and many unsuspecting Americans have been seized on the ocean, and carried into captivity. These are serious injuries; by which the American character is much wounded; and this country calls loudly, from every quarter, for redress.

The resolutions on the table, their advocates contend, if adopted, would operate against Great Britain so forcibly, as to oblige her to change her policy and do us justice, and lay the foundation for good offices between America and France. Could we be certain that those views would be realized, or those ends attained, by adopting the resolutions, they should have my hearty assent. When those plausible prospects were held forth, my wishes were with part of the resolutions; for several days I have strove to bring my judgment to concur, but I find I cannot. The arguments and reasons offered do not convince me that the resolutions will produce the desired effect of their advocates; and I have many difficulties which, I fear, cannot be obviated. If the duties are laid very high, they

will amount to a prohibition. These States are now in a flourishing condition, yet many articles necessary to the improvement, settlement, and comforts of America, are now only to be procured in Great Britain. We cannot expect them, for a time, from any other country, because no other nation is in the habit of manufacturing them; this will produce a great depression in our commerce and manufactures. If Great Britain were to stand the shock, no good would be derived from the system, and we risk our national importance and prosperity. If the duties should be increased ten per cent, or any large sum under a prohibitory duty, the goods, if necessary, would still be imported, and the tax fall upon the consumers.

My great difficulty is, that the resolutions will tend to increase the price of labor in husbandry. The protecting duties already laid have increased the manufactures of this country; I believe, in most cases, they have had great effects. Perhaps some alterations might be made; but the subject of manufactures is so important, that it should be taken up separately. The protecting duties have been, as I said, favorable to the manufacturers; but, it must be acknowledged, they have enhanced the price of labor very considerably, and this has extended to husbandry. If you increase the protecting duties, the manufacturer will just add the difference to his price. Of course, the farmers must bid higher for labor, in order to prevent the countryman or adventurer from going into a manufactory or work-shop. I have always been, and still am, a friend to the manufactures of this country; I wish them every proper encouragement; but I am sure, we might go too fast. I believe—according to my experience—the manufacturers seem well satisfied with what has been done. The cultivation and improvement of our country are primary considerations, and we should adopt no policy which disturbs them. Wheat and flour are the great staple commodities of the Middle States; we should do nothing to check their increase. After agriculture, press on the arts; they ought all to be protected. These resolutions will either operate as a prohibition or a tax; the inconveniences of both have been stated.

There is still a serious difficulty: three-fourths of our revenue, it has been said, depended upon the duty arising on articles imported from Great Britain and her Dominions. If these resolutions will amount to a prohibition, (which the gentleman from New Jersey contends they should,) how is the deficiency to be supplied? This question has been repeatedly asked, but not answered.

In the late war, a great part of the personal property in Pennsylvania was changed into paper; goods were sold, or taken for the supplies of the Army; individuals paid debts to individuals in paper; moneys were loaned to the United States; so that the public was really and truly indebted to many meritorious and *bona fide* creditors. I am no friend to those speculators who obtained certificates by ungenerous means; they can only come forward under the term of strict right. The public creditors of Pennsylvania, (among whom I knew many meritorious ones,) at the first session of

JANUARY, 1794.]

Commerce of the United States.

[II. OF R.]

Congress held at New York under the present Government of the United States, petitioned the Legislature, and the House of Representatives resolved as follows:

Resolved, That this House consider an adequate provision for the support of the public credit, as a matter of high importance to the national honor and prosperity.

Resolved, That the Secretary of the Treasury be directed to prepare a plan for that purpose, and to report the same to this House at the next meeting."

Congress passed an act, the 4th of August, 1793, entitled "An act making provision for the Debt of the United States." By this act, a loan was directed to be opened and provision made for the payment of the interest to such creditors as should subscribe thereto, with power of redemption at certain times. Adequate funds were established, and the Legislature, by the same law, solemnly engaged that those funds should be applied accordingly. The Legislature was not to invade or alter those funds without regular and adequate substitutes. By the resolutions offered, the funds will most assuredly (in my mind) be endangered. We are going upon speculations, the consequences of which we know not; and which may shake the fundamental principles of public credit, which has been so solemnly guaranteed. We ought not to act like mere Colonies, in proposing or entering into non-importation agreements. We are a Nation; we ought to conduct ourselves in such a manner as not to endanger the faith, credit, and reputation of America. In contracts between individuals, they are morally and legally bound to comply with them. Nations ought to be equally bound by their solemn engagements.

We are, in this business, not barely waging a commercial war against Britain, for many citizens of this country have their all depending upon public faith. The Dutch, and other Europeans, have largely subscribed, and invested their property with us, under equal confidence. Shall we, or dare we, destroy or divert any of the funds so pledged, without giving a substitute? I consider these resolutions inefficient to the purposes intended. I hold that Great Britain has acted in such a manner as to render it necessary to press for full and satisfactory explanation; and that, in case this satisfaction is not granted, that at some day before the rising of Congress, the subjects of war and peace be taken up. If the former should be decided upon, I hope our Eastern brethren will join us, and that we may be unanimous in our measures. The extent of this first resolution is so great, I will most assuredly vote against it; as to the others, I shall hold myself at liberty to declare myself upon them as they come forward.

Mr. TRACY spoke as follows: It is observable that many gentlemen, when they rise upon this subject, apologise for the want of a clear comprehension of it; and the indefinite situation of the proposition now before the Committee, and indefinite reasoning upon it, have, I acknowledge, afforded one strong ground of argument, in my mind, against the resolution. I think the maxim defensible, that no resolution, until its principles are clearly defined, and

its consequences well understood, should be adopted by a Legislative body, especially on a commercial subject, since it is a given point, that commerce has generally bid defiance to Legislative interference, and in the event triumphed over Legislative restrictions.

The discussion of this subject has assumed an appearance which must be surprising to a stranger, and painful in the extreme to ourselves.

The supreme Legislature of the United States is seriously deliberating, not upon the welfare of our citizens, but upon the relative circumstances of two European nations; and this deliberation has not for its object the relative benefits of their markets to us, but which form of Government is best, and most like our own; which people feel the greatest affection for us; and what measures we can adopt which will best humble one and exalt the other.

The primary motive of these resolutions, as acknowledged by the defenders of them, was not the increase of our agriculture, manufactures, or navigation, but to humble Great Britain, and to build up France; and, although it is said, our manufactures and navigation may receive advantage, it is only mentioned as a substitute in case of failure as to the great object of humbling Great Britain.

The discussion in favor of these resolutions has breathed nothing but hostility and revenge against the English; and yet they put on the mild appearance of commercial regulations. Legislatures, always cautious of attempting to force trade from its own channels and habits, should certainly be peculiarly cautious, when they do undertake such business, to set about it with temperance and coolness; but, in this debate, we are told of the inexecution of a former treaty withholding Western posts, insult, and dominations of a haughty people; that, through the agency of Great Britain, the savages are upon us on one side, and the Algerines on the other. The mind is roused by such a group of evils, and then called upon to consider a statement of duties on goods imported from foreign nations. If the subject is commercial, why not treat it upon the basis of a commercial subject, and with coolness attend to it? If it is a question of political hostility or war, a firmer tone might be adopted. When a nation is oppressed on all sides by injuries which call loudly to be avenged, there is an imperiousness in their circumstances which often precludes deliberation; and sometimes, at least, denies its propriety. Promptitude of action, in the first form that presents itself, is frequently a virtue; but, when all this national pressure is to obtain redress from laying a duty on a few articles of commerce, one would hardly think the violent introduction, much less, an impassioned mode of debate, could strike any man with propriety. I think this mode of treating the subject tends to confuse, and contains in it no aptitude to develop either principles or consequences. After making these observations, permit me, sir, to consider the question before the Committee merely as a commercial one, and, for a moment, lay aside Indians, Algerines, and all such irritating objects.

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

I engage it shall be for a moment; they certainly shall have a full consideration in a future part of my argument. To perform this task with propriety, the state of our commerce naturally presents itself as the first object of inquiry. In this I am anticipated by the gentleman from Massachusetts, [Mr. DEXTER,] and by a number of incontestible facts contained in the official document before the Committee. Our commerce is flourishing, and our navigation rapidly increasing.

I, sir, was bred a farmer. I live among farmers, much further removed from a view of commerce than any of my colleagues, and when these resolutions were brought forward, I expected the painful detail that our commerce was languishing and our tonnage decreasing, and that our mercantile interest was earnestly calling for the aid and protection of Government. But in this expectation I am agreeably disappointed. No merchant is complaining, nor any fact existing to justify such complaints. It is worthy of remark, and must induce serious inquiry, if our trade is deranged and shackled to the degree pretended, why the merchants in this House should be totally ignorant of it, and why, (to a man, they should be opposed to these regulations which put on the specious appearances of affording direct relief to them? This circumstance alone would go far, in my mind, towards negating the propositions; much farther than the closest speculations of a philosopher in their favor, which, nine times out of ten, cannot be reduced to practice.

And here, sir, I feel a confidence in repeating that, upon a subject of forcing trade from one nation to another, which is of necessity so complicated in principle, so various and invisible in consequences, the Committee will never act but with the utmost caution, and will constantly keep in view that trade will seek its own markets, find its own level, and regulate itself much better than we can do; and, although we may embarrass it, and injure our own citizens, and even other nations, for a while, it will eventually rise above all the regulations we can make.

The gentleman who introduced these resolves, aware of our flourishing state of commerce, has acknowledged that, by their adoption, certain evils will be incurred. What are these evils? If we allow full operation to his positions, without an immediate overture in Great Britain, there will be a stagnation of trade, a damp to agriculture, its laborers thrown out of employment, the present surplus of produce must perish on the hands of the farmers, &c. But these evils, he says, ought to be cheerfully borne to obtain, in event, a much greater good. This position is a sound one, to bear present small evils to effect future great benefits. But to make the reasoning complete, should not the gentleman show that the promised good is not only great enough to justify a trial of the present evil, but that it is certain?

Are the benefits promised by these regulations in any measure certain, or even probable? The great benefits promised are a Treaty with Great Britain, a repeal of her Navigation Act as it respects the United States, and, in fact, a universal

freedom of trade; and if these fail, an increase of our manufactures, and a course of trade with France free as they please to give us. I know Indians, &c., are talked of; but I mean these are the promised benefits of a commercial kind. Are those events so probable that we shall be justified in trying an experiment at the certain expense of our present tranquility and happiness? It is said our citizens are virtuous: this I have the pleasure to believe. But, to convince the whole mass of the people that a system of self-denial of any great extent in its operation, is to be borne by them for a future benefit, you must hold up that benefit in a more striking and certain point of view than can be presented in this case. They will be slow in understanding that trade is to be made free by imposing more and greater shackles upon it. But, if our commerce is flourishing, say the gentlemen, why should it not be more so? If Great Britain imposes pointed restraints upon our trade, and is expressing her jealousy and hatred to us on every practicable occasion, why not free ourselves? What has Great Britain done, sir? Has she made a single law restricting the commerce of Independent America? All her restrictions that now affect us were in existence while we were her Colonies, and are part of her Colonial establishment. Her Navigation Act is as old as 1660; and, upon strict examination, the United States are more favored in her European, East and West India ports, than any other nation. It is said our trade was at first forced there; but this rests merely on assertion; it is not in proof before the Committee. The markets of Great Britain being the best, our articles of commerce and hers being reciprocally useful, and a similarity of language and religion, with many other natural causes, have carried our trade to her ports, and will keep it there, until better markets offer, or it is forced away.

It is said the credit given by British merchants is an evil, and that the people of Virginia owe an immense sum in Great Britain. When a complaint is made in direct terms of restrictions on our trade, one would not readily imagine that another complaint would be coupled with it, that the trade was so free as to become an injury. Besides, credit given to an industrious, provident man, never can be an injury. Will it place us in a situation of fear. If we may argue from a great State, Virginia, to the Union, this is not true; for although that State owes immense debts, her Representatives come forward with great spirit to bring Great Britain to her feet. This circumstance of giving credit is entirely a municipal regulation, wholly out of reach of Congress. The people at the Eastward do not owe the English merchants, and are very generally opposed to these regulations. These facts must convince us, that the credits given us by the trade of Great Britain do not operate a fear and a dependence which can be alarming to Government.

If the municipal regulations of Virginia, or any other State, will place the whole of each man's property within the reach of his creditor, and allow the creditor legal coercion for payment of

JANUARY, 1794.]

Commerce of the United States.

[H. of R.]

debts, when voluntary payment is denied, there will be no danger from foreign or domestic credit. The slothful and idle, as well as the spendthrift and wicked, will readily attribute to faults of omission and commission in Government, those evils necessarily connected with their own imprudence.

It is said by a gentleman from Pennsylvania, [Mr. FINDLEY,] that the merchants in this city who possess capitals of their own, are for these restrictions on British trade, and that the poorer sort, who are in want of credit, and must do business by obtaining it, are opposed to them. If this be a fact, which is yet to be ascertained, it affords another argument against the resolutions. If capitalists, nabobs in trade, would wish to shut out of competition men who have not capitals, whose industry and knowledge of business if they can at first obtain credit, would promise them a living and usefulness to community, whence is this wish derived? From nothing but a desire to effect a monopoly of trade to themselves, the consequence of which would be, a profit of 25 or 50 per cent.; and those men who have not capitals must serve them as clerks or quit the country. Liberty and equality is not the foremost feature in this desire of our rich merchants, if the desire exists: and such a doctrine savors more of Aristocracy, and less of Republicanism, than I expected to hear from that honorable member.

It is said the British Government has broken the Laws of Nations, by interruption of our trade to France. The fact is, Great Britain has said France is in siege, or is blockaded—France has said the same. Upon this statement, what is the Law of Nations? That neutral vessels shall not have intercourse with such blockaded or besieged place. The facts are, the English have taken the cargoes of our vessels, under these circumstances, and in every instance paid the value of her cargo, at the port of destination; the French have taken all our cargoes bound to any port of their enemies, and have directed that a committee of appraisal shall be appointed to appraise and pay for them.

And in all instances of wanton treatment, spoliation, or making our vessels prizes, the British Government have made the most ample promises of redress, contained in our Minister's official information. This is a situation which I acknowledge is an evil; but ought not a neutral nation to expect some evils of the kind, especially when we connect with it, the almost unavoidable imprudences, and, I may add, crimes of our own people, in violating the strict line of duty, which must be, and always is marked out, for neutral nations? State it in its worst point of light, and negotiation and remonstrance should precede any decisive Governmental act.

If our trade is flourishing, and under no restrictions by the English, more than she imposes on other nations, where is the ground of revenge against Great Britain? And more especially, when the fact is incontestible, that we have more favor in our trade with her, than is extended to any nation.

But, suffer me to ask, why treaty is made the

basis of discrimination? I can hitherto find no man, merchant, or other, can state any benefits which we should gain by a treaty. In all treaties the strongest nation will always make its own construction, and the weakest nation may have the benefit of right, but wanting strength to enforce that right, its voice is not heard in explanation of treaty. Our commercial situation presents itself to us in so much infancy, the events of a month may produce such surprising advances, as has been stated by a gentleman from Massachusetts, [Mr. DEXTER,] that a treaty of good appearances now, may speedily be an evil. Besides, a treaty connects us with European policy, and I feel a strong desire to abstract the United States from all participation with the labyrinth of European policy. What has been the advantage of our treaties already formed? That with France I conclude will be cited as the best.

Regenerated France has told us, that their Government, when this treaty was made, had no good intentions to the United States, or, at least, no views of reciprocating benefits fairly. I suppose the meaning of this is, that, in making the treaty, the Government of France consulted her own interest, and paid not much attention to ours, yet this treaty was at first highly applauded; but let it be tested by the benefits actually received. In considering it in point of actual benefits, I should be glad to find them and dwell upon them, without bringing into view the harm it has done us; but no benefits exist. Does the treaty protect our property in seeking its markets, where neutral nations have undoubted rights, any more than the Law of Nations? England has violated the latter, and France the former. I lay out of the question the group of evils which seemed to result from this treaty the last Summer, the evident danger of a war, prevented only by the conduct of an unparalleled Executive, and many other disadvantages of this treaty, because the unexampled situation of France may have produced many consequences, which will not form general ground of argument, and because those subjects have been very fairly stated by a gentleman from Virginia, [Mr. LEE.]

One trait, and that which was considered as the best in this treaty, was this; all property was to follow the bottom in which it was found. Friendly bottoms made friendly cargo, and an enemy's bottom made prize of the cargo. The Law of Nations is, to discriminate always, so as to make prize of enemy's property, find it where you may. Regenerated France has been in the constant act, under sanction of this treaty, of making prize of all property belonging to citizens of the United States, found in English, Spanish, Portuguese, Austrian, Dutch, and Prussian vessels, I mean since those nations have been at war with her; and what do we gain? It cannot operate in our favor any further than to save French property to them, if found in our vessels, if we had treaties of a similar kind with the world. So that this kind of treaty is uncommonly circumstanced; indeed, we can gain nothing but a protection for our friend's property, but lose directly our own; and we never can be in a situation to gain unless we pre-

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

suppose war, which I hope we may avoid; certainly we are not as liable to war as the nations in Europe, who are generally in war three or four years in every seven: of course this trait in treaties is no very inviting one to us. If treaties are formed in the common style, that is, place the nation treating on the basis of the most favored nations, every one can discern it amounts to little, if anything, more than complimentary language of course.

One great object of these resolves is, to effect a treaty with Great Britain, and we are told in the same breath that Great Britain is in the habit of breaking, not only the Law of Nations, but solemn treaty.

But we are told a free trade, or rather a trade on principles of more reciprocity, is to be obtained by these regulations; and that France gives us that reciprocity, and, of course, we ought to withdraw our trade from the English, and give it to France. If the markets of France, and the benefits of trade in her ports, exceed those of any other nation, our trade will go there of itself; if not, why force it? In this part of the argument, I request the liberty of treating both France and England merely as commercial nations, for, if commercial benefits are not found in the trade of two nations, I very much doubt the continuation of the trade, from principles of friendship.

What favors do we receive from France, which will justify such an exertion to put down her rival and build her up? Our trade is at present under no very auspicious circumstances with France; even in the best of times a merchant having established his correspondence there on the most favored footing, when he sent his cargo could draw bills for one-third of the amount, and they would be honored; the remaining two-thirds, when sold, the American merchant would be advised he might draw for, but no interest allowed for the time the French merchant held the property; but if the amount of bills drawn at first exceeded the third part of sales, interest was charged. The English merchant would honor his American correspondent's bills when accompanied by his bill of lading only, for the whole amount, and cargoes have often been purchased and the insurance, wages, and the finding of the ship, have been paid out of the avails of her cargo, thus anticipated by bills before the voyage. This course of trade, as practised by the two nations, needs no comment. Are the fabrics of the French better than the English? Is this a proper time to depend upon France for our articles of clothing, when she is convulsed to her centre by a war? And can any man suppose the Column established in Lyons, sacred to Liberty, is any more favorable to her manufactures than if no such Column had been there, and her manufactures were increasing instead of diminishing? Does the Government of France admit us into her West Indies, with any favor peculiar to us? The act opening her West Indies was no more for us than the British act is against us; the fact is, neither of them cared for us, they each did what they thought would best promote their own interest.

If these regulations are to unshackle our trade, why not leave it unshackled? The fetters are

only changed from one side to the other, and France stamped upon them instead of England. The circumstance of heavily taxing our trade to Great Britain, for the sake of driving it to France, is a proof that it enjoys more freedom where it is. If it be true, that we injure ourselves in the first instance, by these restrictions, although Great Britain deserves punishment, I have said we should be cautious how we sacrifice ourselves to a principle of revenge. But it may be worth inquiry how much it is probable we can injure Great Britain?

It is said, Great Britain depends upon the United States for the bread of her manufacturers and the raw materials which employ them. It ought to be remarked here, that a principal complaint against Great Britain is, that she prohibits our bread-stuff, and this is a fact, except in times of scarcity. One would think, to hear the declarations in this House, that all men were fed at the openings of our hand, and if we shut that hand, the nations starve, and if we but shake the fist after it is shut, they die. This language, to say no more of it, will prove our origin to be British and that not long ago, for the same gentlemen say, the British nation is proud in the extreme. It is well known that the Dutch are in treaty with us, and of course are to be favored by the third resolution, which places all nations in treaty with us, on a footing of lower tonnage. It is likewise known that the English have as much ascendancy over the Dutch as propriety would dictate. What would these restrictions do then, at best, but shape the course of our trade through Holland? Our trade might, perhaps, come more from the Texel than the Thames, but the names would constitute the chief difference.

Spain and Portugal, in Europe, and their other Dominions, if once called upon by necessity, can raise bread-stuff to an unlimited amount. And if we refuse our provisions to the West Indies, would not Great Britain thank us for the bounty we should give, in that very act of denial to the Canadian country, which she is so rapidly filling, even with our own citizens? The provisions of every kind which may be raised there, no man can limit with any kind of certainty. But cannot Great Britain retaliate, and distress us in a commercial war? I will not enlarge upon this, it has already been shown that Great Britain can retaliate with tenfold advantages. It is said, although she can injure us in part, she will suffer in the greatest degree, and that our sufferings will be spread nearly over the whole community, each will bear a part, but Great Britain will suffer in one entire class of citizens, her manufacturers. It will be but a poor consolation to our farmers at large, when they find themselves suffering, to inform them, that a very innocent set of men, the manufacturers of Great Britain, are suffering much more than they do; and if they should clamor against Government, it would be an unsatisfactory answer to them that there was a greater clamor, and even mob, in England.

If the proposed duties are low, Great Britain certainly will not suffer. If they are high, what will be the consequences? It does not admit of

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

argument, that the people of this country must import many articles, from some foreign country; we certainly cannot at once manufacture a sufficiency for our own consumption. It is equally certain, that, at present, no country on earth can supply us but Great Britain: the consequence will be, that British goods will get here, and the duties being high, will produce smuggling. Our merchants are now proverbial for a combination not to defraud the revenue; but, let your duties be high, and the practice of all other countries will be adopted—there will be associations to cheat your revenue; and this country, by its numerous and safe harbors, affords an unlimited opportunity to defraud the revenue with impunity. A tribute of praise is due to our merchants, for their exertions in the establishment and support of this Government; and, among their virtues, the punctual payment of duties is not the least. But I feel the impolicy of straining them too hard; an alienation from the Government, and hostility to the revenue, will be the probable consequence.

Our shipping, it is said, will be increased: this can happen only by a failure of reducing Great Britain to terms. This is worthy of notice. Great Britain has gained in quantity of shipping by her Navigation Act; and, of course, say the gentlemen, it is proper for the United States to have a Navigation Act. Great Britain is an island filled with inhabitants, and, if not decreasing, has certainly not increased in numbers for many years. The United States have a great extent of fertile territory, wholly unoccupied, and an increasing hardy yeomanry to cultivate it to the best advantage. Our shipping has rapidly increased, and has gained that point of equality and proportion with our agriculture which a just equilibrium of things demands; this is proved by the advanced price of our seamen's wages. And, besides, there is no more capital to spare for navigation. Our farmers feel the benefit of a competition in the carrying-trade, and it is at least questionable whether it is yet politic to force foreigners out of this competition. We have already, by our discrimination of tonnage in favor of our own vessels, and by the addition of ten per cent. on the cargoes of foreign vessels, nearly destroyed the competition, except to ports where it is difficult, if not impossible, for our vessels to go. With this view of the subject, I confess it is very doubtful in my mind whether an attempt to force an increase either of our shipping or manufactures, would be politic. At present, sir, I see no ground for revenging on Great Britain; and if there were, I can discern no probability of injuring her as much as ourselves, by the attempt; and a treaty has no flattering appearance to me. One thing had escaped my attention; our treaties are, by the Constitution, the supreme law of the land. This ties us unequally, in case of treaty, as no nation is under equal obligations to fulfil a treaty.

But, the gentlemen say, the Indian war exists, the Algerines are abroad on the sea, committing piracy on our trade, &c. I promised to consider these matters, as, in my mind, they are very serious subjects; and one gentleman [Mr. GILES] has

said, if these were removed out of sight, three-quarters of his argument must be lost. Is the Treaty of Peace, as it respects the Western posts, unexecuted? Is the Indian war instigated and supplied by the British nation, and are the Algerines, through the agency of the same nation, destroying our trade and enslaving our citizens? These are serious charges; if true, they deserve the attention of all men, and particularly of this Committee. For the purposes of the present argument, I will suppose that all those charges are specifically and directly proved; and by proof, here, will be understood, that the facts are so far within our knowledge that candor cannot hesitate in a conclusion. If I thought the resolutions under consideration were certain in the production of evil to ourselves, and very uncertain as it respected either our own future benefits or injury to Great Britain, what can I think of them as a remedy applicable to so much injury? When considering the question in this point of view, I am led to ask the gentlemen if they can be serious, in supposing these resolutions are a proper, consistent, and adequate remedy, for evils of the nature and magnitude just recited? I acknowledge my own feelings are very different. If these statements are founded in fact, I cannot justify myself to my constituents, or my conscience, in saying the adoption of the regulations of commerce, a Navigation Act, or the whole parade of shutting ports, and freeing trade of its shackles, is in any degree calculated to meet or remedy the evil.

Although I deprecate war as the worst of calamities for my country, yet I would inquire, seriously, whether we had fulfilled the Treaty on our part with Great Britain? Do complete justice to them first. I would negotiate as long and as far as patience ought to go; and if I found an obstinate denial of justice, I would then lay *the hand of force* upon the Western posts, and teach the world that the United States were no less prompt in commanding justice to be done them, than they had been patient and industrious in attempting to obtain it by fair and peaceable means. In this view of the subject, I should be led to say—Away with your milk-and-water regulations; they are too trifling to effect objects of such importance. Are the Algerines to be frightened with paper resolves, or the Indians to be subdued, or the Western posts taken, by commercial regulations? When we consider the subject merely as a commercial one, it goes too far, and attempts too much; but when considered as a war establishment, it falls infinitely short of the mark, and does too little.

Mr. BOUDINOT lamented the want of practical commercial knowledge, when called upon to give an opinion on subjects of so great magnitude and essential importance to this country. But it was with pleasure he took an opportunity of acknowledging the obligation he was under to the gentlemen who had gone before him, for their collection of facts, their calculations and strong reasoning, on the subject, by which his misfortune was greatly alleviated. The calm and dispassionate discussion of so great and interesting a question,

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

must be productive of great public advantage, as well as do great honor to this Committee. It was with the greatest attention that he had heard the various reasonings throughout this long debate. He had examined the facts, he had compared and applied the calculations, he had weighed every argument, and had endeavored to draw some final conclusions to direct his judgment. That which had made the most forcible impression on his mind, and was equally deducible from the arguments used by either side of the House, was, "that every wise nation, under the consideration of all circumstances, endeavored to make their own individual interest the pole-star by which to direct their conduct, whether of a political or commercial nature." He observed, that it appeared to him as clear as any mathematical proposition, that in all the commercial regulations of the nations of Europe, this one object influenced every action. This was plainly seen in all the favorable circumstances attending the *arrêts* of France in our favor. This, and this alone, had penned every commercial restriction against us by Great Britain. From the whole, then, of the debate, without going into comparison of one nation and her conduct towards us with another, which sometimes led into invidious distinctions, Mr. B. said he had drawn this obvious and determinate conclusion—from the acknowledged attention of old and wise nations to their own particular interests, and which he should make the rule of his conduct on this great question—"to go and do likewise."

But, before he proceeded to the resolutions on the table, he thought proper to premise the propriety of laying out of the debate the charge of the enmity of Great Britain and the friendship of France, as far as either respected the former Government. Politicians and legislators should not indulge passion; the circumstances of the present Government were those that demanded their attention, and by going so far back, they would be exposed to greater mistakes. He said he had already found it very easy to mistake or misapprehend facts of an important nature, when relative to subjects that engage the passions as well as the judgment.

Mr. B. said he was not desirous of becoming the panegyrist of Great Britain; he had known too much, he had felt too much, to execute such an office with propriety. He should not overvalue the friendship of France in the aid we had received from her, because he knew that it was not from the Nation, but the Monarch, that the whole of it was brought about. He knew that his sole motive was the best interests of his Crown, and that when he fought with us side by side he had fought his own battles in our country, instead of his own. It was interest that led America to ask, it was interest that led him to comply. But, notwithstanding circumstances of this nature, he was desirous that the whole truth should prevail. He did not approve of half truths, he wished the whole to be known. Great Britain had been repeatedly charged with *originating* the Indian war. She had been (it was said) *always* averse to entering

into a commercial treaty with us. These facts Mr. B. disputed; nay, he did not believe them. Gentlemen had founded many strong arguments upon them, but it would have been best first to have produced the evidence, to prove their existence. As to the *originating* the Indian war; so far from its being *originated* by Great Britain, he knew that it had originated in the false policy of Congress, in 1783. This was no new idea; he had then foreseen it; he had then foretold it, with its consequences. He did not deny that the officers and agents of Great Britain had since encouraged and increased it; that they had not done what they ought to have done, to prevent it. They had claimed the right of aiding the Indians by presents: we, also, as a nation, had claimed the right of aiding the French Republic, in every way consistent with our neutrality. As to her being *always* averse to a commercial treaty, this also should be taken with some restriction. The facts should be truly stated. In September, 1779, Congress thought it prudent to authorize and instruct their Commissioners to enter into a Commercial Treaty with Great Britain, in case of a Peace. In July, 1781, when a negotiation for Peace was likely to take place, Congress, on the principle that our true commercial advantages were not well understood, thought it best to avoid all unnecessary European connexions; and, therefore, in the month of July, 1781, repealed the Commissioners' authority to enter into a Commercial Treaty, and withdrew their instructions. At this critical moment, when Great Britain had acceded to our Independence, and was impressed with the danger of losing our commerce, she came forward, and (if his information was right) proposed a Commercial Treaty, on rational and generous terms, which, for want of authority, was refused by our Commissioners. To this source was the Proclamation of the King of Great Britain owing, by which we were cut off from the West India trade. Before this mistake could be rectified, our disunion as to commercial regulations, and weakness as to national objects, were fully known to Great Britain; since which, he believed, she had wholly omitted to enter into further treaty with us.

He said he had carefully examined the Journals of Congress as to the granting and repeal of the power of the Commissioners; but as to the offering and refusing the Commercial Treaty, he depended on a Confidential Letter he had received in 1783, and which was read in Congress the 1st of October of that year; and as he would not vouch for the authenticity of those facts, but chose that the Committee should have all the evidence he had, he would trouble them with reading the substance of it. Mr. B. then read some parts of a letter dated September 28, 1783, which in substance was—

"I left Paris the 15th of June; the day before which Mr. Hartley had communicated to the American Plenipotentiary and to me a despatch which he had received from Mr. Secretary Fox, authorizing Mr. Hartley to agree to a Treaty of Commerce, allowing a free trade to the West Indies to the vessels and citizens of the

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

United States, under the single restriction of not carrying the produce of those Islands to Great Britain; that Congress would best know the reasons that induced the Commissioners to object to that restriction, and which had eventually frustrated the expectation of a Commercial Treaty with Great Britain. And you will undoubtedly have seen the Proclamation, which, in consequence thereof, had been issued by His Britannic Majesty, whereby the vessels of the United States are, in effect, precluded from all access to the British West Indies. But as the ultimate intentions of the British Minister on that subject appeared doubtful, and as it seemed highly important that they should be known to Congress as soon as possible, and as I had occasion on Friday, the eighth of August, to see my Lord North respecting a matter of private property, I availed myself of that opportunity of conversing thereon with his Lordship, who, with great apparent candor, told me, that the Proclamation and the principles of it would undoubtedly be adhered to during the continuance of the act of Parliament; that Parliament must then determine respecting future measures; that the Navigation Act had been the source and support of the British naval power, and must not be infringed without urgent necessity; that he was desirous of promoting a good understanding with the United States by all means compatible with the interest of Great Britain, but that the Americans, after making themselves independent, were unreasonable—desiring privileges which never had been granted to any independent people, especially as they appeared to have neither the inclination nor the ability to give any adequate advantages to Great Britain in return. I intimated the probability that the United States would retaliate, and prevent their produce being carried to the West Indies in British vessels. To which his Lordship replied, that the United States had doubtless the right to adopt such a measure, but in so doing they would necessarily deprive themselves of the best, and indeed the only sufficient market for their produce; obstruct the growth, agriculture, and prosperity of their own country, and injure themselves much more than they could possibly injure Great Britain. That in war, Great Britain was exposed to much expense and difficulty in defending her West India Colonies, and at all times giving them exclusively the benefit of her market, depriving herself in their favor of the advantage of purchasing the sugars, &c. of other countries, and thereby enabling British West India planters to obtain higher prices for their produce than the planters of any other nation; and that unless Great Britain, in return for these favors, could exclusively enjoy the benefits of their navigation, it would, in his private opinion, be much better to let them become independent, like the United States. His Lordship did not request, and I presume he did not expect I would keep this conversation a secret, and you are at liberty to communicate it to Congress: though as I do not wish to be cited on political subjects, I beg it may be confined to that honorable body. I indeed thought it expedient, before I left London, to write an account of it to the American Plenipotentiary in Paris," &c.

Mr. B. then proceeded, and said, that these facts had convinced him that the charge was too general, especially as by the late communications we are informed that a negotiation was now again in train on the same subject. That in his opinion Great Britain had enough to answer for that was justly chargeable to her account, without relying on bare suggestions without proof. Her breach

of the Treaty by carrying away our negroes, contrary to the express words, and withholding the posts, without the shadow of excuse, are sufficient evidence of her want of public faith; but let us not found our acts on those facts, which, if inquired into, we cannot support. Mr. B. observed, that he had made these observations to remind gentlemen that though this nation had at times done us wrong, yet that we had not been without fault: therefore, he added, let us dispassionately consider the resolution on the table, on the principle of our present situation among the nations, or as it has been, since our present Government. It cannot be denied that our trade has been in a flourishing condition ever since the year 1790. Let any gentleman who doubts this cast his eye on the Reports from the Treasury Office for several years past: it is fast pressing to perfection.

Mr. B. was of opinion with the gentleman who had gone before him, that it was possible to carry our navigation too far, when considered in proportion to our agricultural interest; but that point was yet to come. He acknowledged that since the late war in Europe, we had been the sufferers; that our ships had been piratically despoiled (if he might be allowed the expression) by the privateers of England, Spain, and France; that our citizens justly looked up to their Government for protection and recompense. The usual established mode among civilized nations was, in the first instance, remonstrance and negotiation; this was not the duty of the Representatives of the people, but belonged to another department: we were officially informed that this was done, a negotiation was on foot, and our Executive officer had fixed the 1st day of December last, when our Minister at the Court of London was to give a positive and decided account of the state of the negotiation. Would it then be prudent for the Committee, until the issue of that negotiation is known, to interfere, or perhaps run counter to our Executive? The departments of Government should be kept separate, and not one counteract the other.

He at length adverted to the resolution before the Committee, and said it consisted of two parts: one relative to higher duties on the manufactures of foreign nations not having any treaty with us, the other to further restrictions on the shipping of those nations. To these, then, Mr. B. said he would confine himself, and thereby greatly narrow the debate. The first inquiry that obviously presented itself, in order to determine the effect, is, On whom will these higher duties fall? The general principle agreed on all hands is, that the consumer pays the duty. The citizens of the United States are the consumers; the citizens of the United States must, therefore, pay the higher duties. This reasoning proceeds on the fact that our citizens purchase the manufactures. The articles mentioned are either necessities or superfluities: if necessities, our citizens must have them; if superfluities, as freemen they will have them, if they choose them; they will lay out their money as they please, unless restricted by laws founded on the true interests of the nation. But it may

be said that they may be supplied from home manufactures, or from nations in alliance with us. The first cannot be true, as will be evident from the present state of our manufactures. The supply equal, or bearing any reasonable proportion to the demand, is impossible for many, many years to come. As to other nations, it may fairly be said, with regard to the supply, that France and Holland are the only nations that can be contemplated. It would be cruel in the extreme to put France to the test, under her present critical and distressing situation. She has called all her citizens into the field; if any can be spared, it must be for the purpose of her agriculture, or the manufacture of arms alone. It would expose her to the charge of inability, without giving her the chance of a fair experiment. Every gentleman on the floor knows that Holland, independently considered, has no possible way of yielding us a supply. If she does it, it must be as a medium between Great Britain and us; so that directly or indirectly, we should receive the supply from Great Britain, which would evade the intended effect of the measure. The next inquiry is, How will increasing the duties on our own citizens affect the Government of Great Britain, so as to accomplish the desired end? If their manufacturers obtain their price—if their merchants receive their commissions, how will it affect them, that our citizens pay high duties on the articles here before they are consumed? It may be answered, by lessening the consumption; by increasing our own manufactures; by encouraging other nations to cease a competition in our markets. If we judge from past experience, our habits of economy are not such as will produce this effect to any considerable purpose. Our citizens seldom refuse gratifying themselves on account of a difference of six pence or a shilling in the yard; if they earn their money hardly, they will spend it at their pleasure. During the late war we know the prices were increased one hundred per cent.; yet neither the obligation of law, the love of their country, or even, in some cases, the risk of life, will deter from gratifying themselves in the enjoyment of foreign manufactures. The increase of our home manufactures is a most desirable object; and there was no gentleman of the Committee more desirous of promoting them than he was. But this could only be accomplished by time. It was a progressive work, and was now hastening to perfection as fast as was compatible with a due attention to agriculture; but no gentleman would pretend to say that even the hope of a competent supply was rational for many years to come; nay, he verily believed that, if all the wool of the fifteen States was brought together, it would not afford a supply of woollens for one State. But it was proper to look to the encouragement already given to our manufactures. The importations of the United States amounted to twenty millions of dollars; the duties already laid amount to four millions; this, on an average, was twenty per cent. This was a very serious duty, indeed; and, though principally designed to raise a revenue, yet it also acted as bounties to our manufactures; and, when

added to the freight, insurance, commissions, and interest, paid by the importer of foreign manufactures, every gentleman must conclude that our citizens would not patiently submit to greater burdens without the most obvious necessity. He added, that, if the specific articles referred to in the resolutions were individually considered, the duties would amount to about fifteen per cent. when imported in foreign bottoms, which would be found very heavy on those articles, and sufficient to encourage our home manufactures consistently with the ease of the citizens. Do not these duties already bear a sufficient proportion to the capitals of our merchants? Some gentlemen have objected to the easy credit afforded our merchants in Great Britain, and yet, in the same breath, are for demanding the small capitals of their own, in duties, and refuse them the advantage of foreign capitals, where they can be obtained. He confessed he was not convinced of the dangers arising from public credit which were so warmly urged by the gentleman from Virginia. When he looked at that gentleman, and attended to the zeal he discovered, in what he thought so essential to the welfare of his country, it afforded an answer to every objection so ably supported by him. The gentleman had acknowledged and lamented the prevalence of credit, and that from Great Britain. In the State he came from, he said it universally prevailed, and had its effect on the importing merchant; from him to the country shop-keeper, and thence to the farmer: so that the dependence on the merchant in great Britain was to be feared through every part of the community, and the most dangerous influence of English politics was to be dreaded. But was there a State in the Union where the policy of Great Britain was reprobated more than in the State of Virginia? Was not the conduct of that gentleman, in the present debate, as well as that of his colleagues, full proof that the credit he complained of did not produce the fatal effects he feared? Was not Virginia the largest, and, if we might judge from her visible capital, (slaves,) the richest State in the Union? And yet she had always been in the habit of unbounded credit in Great Britain.

Mr. B. then reminded the Committee of the nature of the trade with Great Britain. Did the British merchant bring his manufactures and offer them for sale in this country? No; the American merchant employed the merchant in England to purchase of the manufacturers, on a commission of five or ten per cent. The goods were exported at the risk of the American merchant; and whether the consumer paid a high or low duty on them, on their arrival in this country, was a matter of but secondary consideration to the British merchant. Mr. B. then, observing on the patriotic conduct of our merchants with regard to their obedience to the revenue laws, which he thought did them greater honor than could be claimed by those of any other country, warned the Committee against carrying the matter too far; he warned them not to make it the best trade or fair calculation, that one merchant could pursue, to defraud

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

the Government of the duties. When once smuggling became a business which the merchants generally thought themselves justified in, it would be like powerful assailants getting possession of a strong fortress: it would not be easy to dislodge them. It was out of the power of laws to prevent smuggling, if the merchants once determined to adopt it. He said he had carefully avoided saying anything about the Algerines, because, although in his private opinion he thought circumstances bore hard against Great Britain, yet, as a legislator, he could not lay his finger on the evidence, and say this or that proves the fact; and, as he believed some facts had been mistaken, he was afraid of acting without adequate proof. Besides, although he was at first affected by the suggestion, yet, on carefully investigating the process of the business, he thought he could see reasons which might render it possible that Great Britain had a good excuse for her conduct, independent of American considerations. Every gentleman knows that Holland had a considerable trade with Portugal, which she was obliged to carry on with a convoy of men-of-war, on account of the Algerines. Portugal had three or four ships continually cruising on the same account. Great Britain (with these States) was engaged in a war with France, whose fleet, notwithstanding all her difficulties, was rather superior to that of Great Britain. It became then a considerable object with Great Britain to emancipate these ships of her allies from other services, so as to operate with her in the common cause. Again, it was possible that Great Britain, by promoting this truce with Holland and Portugal, might find it easier to persuade the Algerines to declare war against France, the common enemy; this, we are told, has been accomplished; and, if so, must have been a considerable object with Great Britain. If, then, these reasons might have operated with Great Britain without respect to America, we ought at least to wait till we are better acquainted with facts, and this we may soon reasonably expect from our foreign Ministers, especially when we are officially told that the British agent who accomplished this truce had not heard from his Court for eighteen months.

On the whole, Mr. B. observed that, while the duties already laid on the farmer, mechanic, laborer, and other citizens of the United States, were sufficiently high for the support of Government and the protection and encouragement of our home manufactures, while higher duties must in the end fall on those who are already oppressed with those duties that are necessary; while our citizens cannot avoid the duties by a supply from home manufactures, or those of foreign nations in alliance with us; while he was of opinion that nations not in alliance cannot be affected by duties paid by our citizens, he did not think this the time to increase the duties on articles which must be consumed in the United States, for purposes which it cannot clearly and indubitably be proved will answer very essential and important ends to our Government and its citizens. As to the second object of the resolution, he had been always of

opinion that it is the true way of accomplishing the ends proposed. He had ever joined the gentleman who brought this forward, in considering the regulating of foreign shipping a principle of great importance to the interest of the United States; and, whenever an answer shall be obtained from our Minister abroad, by which the state of the present negotiation shall appear to be unfavorable to the United States, he would be ready to enter fully into the measure, and hoped then there would be a perfect unanimity in that Committee, which would greatly insure the efficacy of the measure. But as there was reason to expect the issue of the negotiation in a short time, he should be unwilling to agree to any measure of this nature having a principle of retaliation for its object, till the real grievance could be known, and of course the Committee better capable of judging of the adequate remedy. He was averse from forcing any nation into a commercial treaty with us. It ought to be a voluntary act; and he was for allowing the same freedom of action to other nations we claimed for ourselves. But when we could not obtain a reciprocity of benefits, he thought we had the undoubted right of conferring a reciprocity of restrictions. His idea was, when we did proceed on this principle, we should make old and wise nations our example, and copy their acts. This could give no reasonable offence; but, if offence was taken, the answer would be obvious and convincing. Great Britain, by her commercial regulations, had risen to power and opulence; this gave us a right to copy her example; and, whenever the Executive gave us information that negotiation was ineffectual, he was ready to pursue this remedy, as the only salutary and effectual one; but, as this period had not yet arrived, he should wait with some degree of patience for the issue, which, as a friend to both countries, he hoped would be a favorable one, and should accordingly vote, for the present, against the resolution now before the Committee.

After Mr. BOUNDINOT had spoken, Mr. AMES rose, and remarked that it had been repeatedly asserted, in a vague manner, that our commerce is unfavorably situated; he wished the specific grievances stated, and the facts on which they are said to be founded vouched for. One fact is worth a dozen theories.

Mr. NICHOLAS was astonished that the gentleman possessed so little American feeling as so often to repeat the inquiry he had just made, or that he should attempt to divert the attention of the Committee by a frivolous distinction between commercial and political considerations. The friends of the resolutions had supposed it unnecessary to enumerate; they conceived that every American must feel the wrongs we suffer, and they offered the resolution as a counter-terror. It appeared, however, that they were mistaken, and must be under the necessity of enumerating grievances; it is necessary to tell the gentleman of the hostilities of the savages on our frontiers, of the murder of our citizens, and plunder of our settlements; he must be told of the commercial advantages wrested from our hands by that mean policy

which lets loose the Algerines upon our defenceless merchantmen. He hoped it would be allowed that this is a commercial as well as political injury. He enumerated the other injurious restrictions imposed on our trade by Great Britain, contrary to the Law of Nations and every color of right, and then said, that since we suffer in blood and treasure, it becomes proper to inquire whether we can best resist with arms, or by making regulations in the spirit of those proposed, the effects of which will be felt by them in the distresses of their subjects. The Committee had been told by gentlemen who opposed the resolutions, how incapable we are of supporting any but a defensive war; our only alternative, then, is something like the resolutions—that is, to withdraw from them at least the sustenance they receive from us.

Some gentlemen had, to be sure, reduced this question to very narrow ground, when they chose to throw on one side as inapplicable the injuries we suffer from Indians and Algerines, and the injuries our commerce endures from pointed commercial regulations; and, when all these are put out of the question, they triumphantly ask, where are your grievances? They go further, and attempt to show that America is as favored, in a commercial point of view, as she has a right to expect. The regulations against us in the West Indies are not grievances, because they are of an ancient date, that they are part of an uniform system, and that there is nothing in them particularly pointed at Americans. This, he believed, is a mistake; there is an express law, since the year 1780, excluding all articles from the West Indies, unless carried there under particular circumstances and in British vessels. This is an injury strictly commercial. In answer to a remark that British credit in Virginia does not appear to have generated British influence, he observed, that the natural jealousy of, and aversion to foreigners, who do almost all the commercial business in that State, naturally counteracts the influence of that credit; but, where no such counteracting cause exists—where mercantile transactions are carried on by natives, assisted by foreign credit—there, he believed, the natural dependence of borrower on lender gave deep root to that influence. But the measures proposed do not go to the destruction of credit, but only tend to prevent its abuse. It has been said that Spain and Portugal could supply Great Britain and her dependencies with grain and flour. He wondered at the argument being brought forward, as it is notorious that those countries are among our best markets for those commodities.

A commercial treaty with Great Britain, it is said, is not desirable, because that we have with France is not beneficial. Gentlemen should recollect the date of that treaty; that, when it was made, we had not much to give, and therefore not a right to expect much. The Committee had been told that France had cheated us when they made the treaty with us, because it imposes some hardships now she is at war. This is owing to a contingency unforeseen at the time of making the treaty; and, if we had been involved in war first,

it, with as much propriety, might have been said that we had cheated them. Much had been said on the propriety of permitting trade to regulate itself. He approved of the position; but when restrictions are laid on one side, to restore the equilibrium contrary restrictions must be laid. We have no reasonable hope of a repeal of those injurious restrictions, or a redress of grievances from Great Britain. At a time when these were a subject of negotiation, she has let loose the Algerines upon us. What, then, are we to expect as the issue of those negotiations? Would an individual in similar circumstances expect an amicable settlement? In the existing state and nature of the grievances we complain of, it is extravagance in the extreme to expect they can be settled by negotiation. When matters are doubtful, recourse is had to amicable settlement; but if a man stabs my wife or child, will I call on him to explain himself? No, I will have recourse to my power over him, and procure satisfaction. The extent and nature of the injuries we experience put all negotiation out of the question. He dwelt on the propriety of the regulations, as the best weapons in our power to obtain satisfaction. He then took notice of the allusion Mr. DEXTER had made to the body politic, comparing it with the natural body, and contended that our body politic, cramped by British trammels, will not acquire the strength it is calculated to acquire as speedily as if they were removed. He adverted to the unnatural state of our commerce with the British West Indies, which, though dependent on us for necessities, give us laws, and say we shall not carry those necessities in our own bottoms, except when they are in fear of famine. He then went into a comparative view of the ability of the United States to support a commercial conflict with Great Britain, and bring her to reasonable terms, and showed how sensibly a diminution in our consumption of their manufactures would affect her, and excite a rivalry here and in France, to afford a sufficient supply. The distress we should occasion, it had been said, would induce Great Britain to go to war with us. The mischief would spring from them, from their obstinate adherence to the measures she had adopted to our injury. Some members of the Committee had insisted that the resolutions are a dishonorable mode of resisting, and a mean mode of making an attack, that is, that we are to give out of our own hands the weapons with which we can fight, and take up those which we cannot wield. He concluded with some observations on Great Britain's present backwardness to make a treaty of commerce with us; indeed, he wondered how we could expect a treaty from a nation that trampled on our prostrate rights, and how we could wish one, with a nation which persisted in not executing some of the most important points in the last.

Mr. DAYTON remarked, that the injuries we have received from Great Britain had been painted in very strong colors; and when a remedy is proposed, it turns out to be only a set of regulations on paper; the insolence of Britain is contrasted with American weakness. If we really labor

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

under wrongs, something more effectual than the measures proposed should be contemplated; but first it is our duty to endeavor to obtain redress by pacific means, and before irritating measures are adopted, we should be well assured that redress has been refused.

Mr. MADISON saw no ground to hope for redress from negotiation; we must be satisfied that that resource has failed. He could not see, admitting we are injured, that we are bound, by honor or prudence, to resent the injury by the last appeal to arms. It is best, he conceived, to try whether a more pacific weapon may not prove even more effectual. We can make use of none against Great Britain more effectual than commercial weapons; in that part (their commerce) that country is most vulnerable. He thought this the most eligible time for the exercise of those means most clearly in our power.

Mr. SMITH read a passage as to the negotiation now pending between the Government of America and that of England, from the volume of papers relative to Britain lately printed by order of Congress. It is contained in a Letter dated 7th of September last, from Mr. Jefferson to Mr. Pinckney, American Minister in London, and is in these words:

"The President, therefore, desires that you will immediately enter into explanations on this subject with the British Government. Lay before them, in friendly and temperate terms, all the demonstrations of the injury done us by this act, and endeavor to obtain a revocation of it, and full indemnification to any citizens of these States who may have suffered by it in the mean time. Accompany your representations with every assurance of our earnest desire to live on terms of the best friendship and harmony with them, and to found our expectations of justice on their part on a strict observance of it on ours.

"It is with concern, however, I am obliged to observe, that, so marked has been the inattention of the British Court to every application which has been made to them on any subject by this Government, (not a single answer, I believe, having ever been given to one of them, except in the act of exchanging a Minister,) that it may become unavoidable, in certain cases, where an answer of some sort is necessary, to consider their silence as an answer. Perhaps this is their intention; still, however, desirous of furnishing no color of offence, we do not wish you to name to them any term for giving an answer. Urge one as much as you can without commitment, and, on the first day of December, be so good as to give us information of the state in which this matter is, that it may be received during the session of Congress."

Mr. S. inferred that very little was to be hoped for of that nature.

The Committee now rose, and had leave to sit again.

SATURDAY, January 25.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions

on the commerce of the United States, in foreign countries—

Mr. CLARK said, the time of the Committee had been taken up for seven days in debating this question, and yet there appeared to be as little prospect of bringing it to a decision as there was at the beginning. He believed there could hardly be mentioned an instance of any public body protracting a discussion for so long a time, for what purpose he could not understand, unless it was the passion of members to see their speeches published in the newspapers. For his part, he seldom made long speeches, nor did he take the trouble to write them for the newspapers. He did not see any very material advantage that the business of the public received from this waste of time, and he therefore had hoped to see the Committee come to an issue on the question. His hopes, however, he feared, were in vain; for, on looking around, he could perceive that several members were getting themselves in readiness to deliver more fine speeches; and, since it would be impossible to prevent them, he would not at present waste any more of their time by making a speech for the printers; indeed, they generally publish his opinions very erroneously when they made a speech for him. Before he sat down, however, he remarked that most of the members had made up their minds how to vote at the commencement of the debate; and, therefore, he thought the waste of time was the more inexcusable, as he was nearly certain that no proselytes would be made either on the one side or the other. Under these impressions, he would sit down patiently, and, since he could not mend the matter, he would join in helping to pass away the time by listening to some of those gentlemen who seemed so impatient and felt so big with their speeches that they would burst, he feared, should he stand up any longer to prevent their delivery.

Mr. HILLHOUSE, in replying to Mr. CLARK, said, that it was the right of every gentleman to assign the reasons for his public conduct, if he saw proper. For his part, he did not wish to consume much of the time of the Committee. He was not in the habit of making long speeches, and, though he could not charge the member last up with exhausting the patience of the House, yet he never failed of exercising a right which he now appeared to wish to deprive others of; but, notwithstanding the remarks of the gentleman, Mr. H. said he thought it his duty not to give a silent vote on a subject of such magnitude. He had heard with pleasure, and had been much instructed by the observations that had been made, and wished to hear what further might be said on a subject that might affect the most important interests of his country. For some time past he had, from his own observation, from the high price which our produce had borne, and the great demand there had been for it in the markets, from the pressing demand for seamen, and from the concurrent testimony of merchants and people of every occupation, been led to believe that the commerce of the United States was in a most prosperous train. He had no reason to suspect his opinion till those

resolutions were brought forward. They surprised him the more as coming from a quarter of the country from which he least expected any thing of the kind, and from which, only two sessions since, opposition was made to measures which had the same object in view, so far as respects the encouragement of navigation and manufactures; because it was said that such encouragement, though it operated to the advantage of the Eastern, was a direct tax on the Southern States. This made him less solicitous, at that time, to urge measures that might have an unequal operation on the different parts of the Union. What great event has turned up since to work this extraordinary change? He supposed the gentleman must have discovered some great impositions and embarrassments on our trade, which had escaped his attention. He had therefore listened with great attention to hear them pointed out. As to *theories*, he thought they ought not to be attempted, but in extreme cases, unless the object was important and its attainment certain. He had inquired into the restrictions laid by Great Britain on the commerce of the United States, and, from that inquiry, as well as from the report of the Secretary of State, he found that the same restrictions are laid on other nations; that there is no marked distinction against us; but that the United States enjoyed many and great advantages over other nations. He thought it unnecessary to go into a particular detail of those advantages, as the other gentleman had already done it. He therefore was of opinion that, to adopt the measure now under consideration, would be hazarding those advantages for the uncertain chance of obtaining something which was only in prospect.

A gentleman from Virginia [Mr. GILES] had mentioned the discriminating favoritism of Britain to other neutral Powers, viz: Denmark and Sweden, which was the only instance that even the ingenuity of that gentleman, so sagacious in finding out difficulties, could point out in the navigation laws or commercial regulations of Great Britain, in which any discrimination was made to the disadvantage of the United States; and even that is not one of which we can complain. It was a regulation adopted in consequence of her present situation, as being in a state of war, and not for commercial purposes. The article complained of is in these words:

"That it shall be lawful for the commanders of his Majesty's ships of war and privateers that have or may have letters of marque against France, to seize all ships, whatever be their cargoes, that shall be found attempting to enter any blockaded port, and to send the same for condemnation, together with their cargoes, except the ships of Denmark and Sweden, which shall only be prevented from entering on the first attempt, but, on the second, shall be sent in for condemnation likewise."

This article needs no other comment or justification than to read the remark of the Secretary of State, in his Letter to the British Minister on this subject:

"We had conjectured, but did not before certainly know, that the distinction which the instructions make

between Denmark and Sweden, on the one hand, and the United States on the other, in the cases of vessels bound to ports blockaded, was, on the principle explained by you, that it was yielded to those countries by treaty, it is not unfriendly to refuse to us, *because not yielded to us by treaty*. I shall not contest the right of the principle, as a right to its reciprocity necessarily results to us."

And it is upon this ground that our conduct in admitting French privateers and prizes into our ports, and excluding those of Great Britain, is justifiable. If, then, the advocates for the resolutions cannot find out any instance in which Great Britain has made discriminations to our advantage, and many instances are shown in which we enjoy advantages beyond the most favored nations, can we complain?

The United States have not a sufficient number of ships to become the carriers of her own produce, and he much doubted whether the time was come when it would be for the advantage of the United States to extend their navigation so far as to answer that purpose; and, should an imprudent adoption of these resolutions deprive us of British vessels, our produce would perish on our hands. Since we have not shipping equal to the carriage of our whole exports, we can surely find sufficient employment for those we have, independent of the trade to the British West India Islands, and though it would be a desirable thing to be admitted into that trade, yet is that an object of so much importance that we could be justified in hazarding the most important interests of our country to obtain it? If the advancement of our navigation and manufactures is the *real* object, why adopt the discriminating quality? Is it not putting us in the power of other nations, and giving them great advantages, without an equivalent?

Since it is admitted that we do not enjoy any special advantage from any commercial treaty we now have, it is my opinion that, if any regulations are adopted, they ought to be general. If any nation wishes for an exemption, and will give us an equivalent, we can secure it to them by treaty. If we secure to them the exemption by law, they will be under no inducement to grant it as an equivalent. France, whose interest is intended to be advanced, has never come forward and requested such a discrimination. Why, then, should we do it unsolicited? Ought we to return the late generous and friendly conduct of Portugal by extending the discrimination to that nation? The gentleman who brought forward the resolutions seemed to be sensible of the impropriety of such a measure, and therefore proposed to draw a line which should exclude that Kingdom. This would point the resolutions so directly against Great Britain that it would be much better to come out in an open and manly way, and call her by name, than to do it in this indirect mode.

He closed his remarks on this part of his argument by saying that it was a question that admitted of some doubt whether the commerce of the United States was not at present in as prosperous a situation as was for the interest of the country; and whether it would be for the general welfare

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

to give it a greater stimulus than it now had, so as to divert the young men and farmers' sons from other occupations, and especially that of agriculture, and by that means, under the pretence of encouraging navigation, to do a real injury to America?

He said he would now bestow a few observations on the political considerations which are urged to induce the adoption of these resolutions; and a gentleman from Virginia [Mr. GILES] has told us that three-quarters of his arguments and inducements for adopting them are derived from that quarter. Say the gentlemen, the Treaty of Peace has never been complied with on the part of Great Britain. They excited a savage war on our frontiers and Algerine depredations on our commerce.

These are serious evils, that readily address themselves to our passions, and any attempts to palliate or lessen their influence could not, he was sensible, meet with a very favorable reception. When we are, however, called upon to deliberate upon great national concerns, which involve both the honor and most important interests of our country, we ought to examine with the cool, deliberate eye of a judge, and not under the influence of passion. That Great Britain has violated the treaty, does not admit a doubt, and that she was also the first to violate; but, if we look at home, shall we not have the candor to own that we have also violated that treaty? Do not some of the public officers admit that we have? There are mutual complaints, and the Executive has put them in a train of negotiation; and, as the various acts of the State Legislatures, by the adoption of this Government, has opened the Federal Courts in an honorable manner to the claims of British subjects, the principal ground of complaint against the United States has been removed. And the able and masterly manner in which the Secretary of State has arranged and brought up the matter, he flattered himself, would satisfy the Court of Great Britain, and induce a full compliance with the treaty on their part, he thought the matter was reduced to such a situation that she could not withhold her compliance. A letter has been sent to the British Court, through her Minister, on the subject, to which no answer has yet been received; and one gentleman has gone so far as to call the delay a fresh insult. He thought that candor required that we should admit that the reason they had given for this delay had some weight. Have we not ourselves considered Great Britain as being in a very critical situation? Has not that, in fact, been the case? Have they not considered the Government itself as being in danger? If a man's house was on fire, was it to be supposed that his attention could be engaged in regulating the mere unimportant concerns of his family? Surely no candid man will say that the Government of Great Britain is very criminal for having delayed an answer to those representations which have been forwarded from this country. It could not be expected that they would instantly lay aside all their great national concerns to decide upon them. It does not seem to have been expected by the Executive.

He noticed in the PRESIDENT'S instructions to Mr. Pinckney, he was directed not to commit himself by ill-timed or too ardent demands. He was to urge an answer as much as possible, without commitment, and, on the first day of December, to give information of the state in which the matter was. The time in which we might expect an answer has not yet arrived. We ought to wait a reasonable time. If the answer should be unfavorable, and all hopes of success from negotiation should fail, and there should be no prospect of a compliance with the Treaty on the part of Great Britain, it will then be time enough to bring the subject under consideration. He wished to have it fairly brought up, unconnected with any other matter, and such measures adopted as should be judged best, upon mature deliberation, and after deeply weighing every circumstance. At present, the subject appeared to him to be prematurely brought forward.

The Indian war is also charged upon Great Britain, and that is urged as a reason for adopting these resolutions. Has any member produced any evidence? are we possessed of any proof to support this charge? It is an important principle of a free Government that no man shall be condemned unheard. If we admit this principle in regard to an individual, why not allow it to a nation? Have we ever charged Great Britain as being the instigator of those injuries we have experienced from the depredations committed on the inhabitants of our Western frontiers by the savages? It has been supposed by some that a part at least was chargeable upon our own inhabitants on the frontiers. Shall we, without having remonstrated, wage war with Great Britain? Surely we ought to demand satisfaction before we attempt to retaliate or make reprisals.

The Algerine war (he said) was another ground of complaint against Great Britain. It is said to have been brought about by her artifices. He was aware (he said) it would be unpopular to divert the resentment that had been excited on this account; but his situation made it his duty to examine the subject, which he had done, and could discover nothing in the conduct of Great Britain in this business which was inconsistent with the Law of Nations; and, although the United States may feel a present smart, yet we ought not to let our momentary feelings lead us to a decision which may be attended with serious consequences. Great Britain is, and for a long time has been, in close alliance and friendship with Portugal and Holland. They are in some measure dependent on her. They are now combined in one common cause against France. Great Britain, therefore, in making a truce with the Algerines, for Portugal and Holland, has done no more than to set her allies free from the depredations of pirates, in order that the whole force of those nations might be in a better situation to be called into action, if necessary, against their common enemy. Were either of these nations under any obligation to block up the Algerines for us? It is true, we suffer by it, but have we any right to complain? There is no evidence that Great Britain was in-

fluenced by motives hostile to us; other reasons can be assigned for her conduct; and shall we, without pretty strong evidence, adopt measures by way of retaliation, and that, too, before we have called on Great Britain for an explanation of her conduct? When the Representatives of the People of the United States are called upon to decide a question of such importance to the peace and happiness of this country, they ought to divest themselves of all resentful feelings; and, even supposing Great Britain has violated the treaty, and done us all the injuries complained of, ought we not to exercise moderation, and begin by remonstrating? Then, if she would not do us justice, and redress our wrongs, he would be as ready as any member to vindicate the honor of his country, but was not for precipitating measures in such a manner as would be condemned by the impartial world.

Another complaint has been stated, respecting the depredations committed on our commerce by British privateers. It is doubtless true that those excesses had been carried to great lengths. It was also in evidence that some of the British Courts of law had offered redress, and given ample damages. Perhaps other instances may be attended with like success; but, on this head, as well as the former items of complaint, there had been no proper demand made by the Executive of the United States, and there had not yet been time for us reasonably to expect either an answer or satisfaction. Privateering (he said) was a sort of piracy, and he wished it was abolished in all wars among civilized nations; but, as long as it is permitted, neutral Powers must expect to suffer more or less inconvenience and injury. There have been depredations committed by the subjects of every nation, on particular occasions, that could not be justified, and which it was not in their power to restrain. France, as well as Great Britain, may be charged with like injuries; and the United States would not be exempted from such a charge. Our privateers frequently did the same thing when we were in a state of war. Indeed, we have found it difficult, in all instances, to restrain, even our frontier inhabitants from committing depredations upon the Indians; and yet we have not been disposed to have those excesses charged upon the United States.

Our flour trade to France is also interrupted. This (he said) he believed to be in violation of the Law of Nations. But what can we do when so many of the Powers of Europe are combined in this measure? If we should judge it prudent to seek redress, ought we not to follow the example set us more than a century ago by Denmark and Sweden, quoted for our imitation by the gentleman from Virginia, [Mr. GILES,] which was, as will be found in the first article of their Convention, to send a spirited remonstrance, and, if that did not answer the purpose, then it would be time enough to take other measures to do ourselves justice. He expressed it as his decided opinion, that better measures might be adopted for obtaining redress than were contained in the resolutions on the table.

We will now consider what is to be the operation of these proposed measures, and if there is not a great degree of probability, and, indeed, almost a certainty that they will produce the effect that is intended, they ought not to be adopted? It is supposed they will operate in three ways upon Great Britain—first, by lessening our imports from Great Britain, and, by that means, throwing her manufacturers out of employ; secondly, by withholding our exports, and thereby starving her into a compliance; and, thirdly, by injuring her navigation.

As to the first, this, above all others, was the most improper time for attempting a thing of the kind. Properly timing public measures was of great importance towards insuring success. It was not from the manufacturers, but the merchants, that we received our supplies in the first instance. It was a thing of no importance to the manufacturer whether the manufactures were imported into this country, or whether they were buried in the ocean, or whether they were sent to other nations.

As to our obtaining supplies from France, there was no probability of that. They have prohibited the exportation of their woollen cloths, to enable them to supply their domestic wants during the present war. All we could expect from them is silks, ribands, &c., which are by no means necessary to the United States. It is, therefore, altogether likely the British manufactures would still find their way into this country by a circuitous route; but, should this not be the case, would not the British merchants be able to find other markets at this time equal to our consumption?

The present convulsed state of France, and war in Europe, has taken off a multitude of hands from every occupation, and has destroyed many flourishing manufactories, which will, for the present, open a door for the manufactures of Great Britain. And even France will not hesitate to use such as she wants, if she cannot otherwise get a supply, as the people of the United States did during their Revolution, who went so far, in some instances, as to smuggle them in, in violation of the law; and there were some instances in which they were obtained for the use of the Army from within the British lines at New York under the sanction of the Government.

Germany, Spain, Holland, and other powers at war, will also afford a market for British goods; so that they will not be at a loss for a market, nor will their manufacturers be either starved or materially injured, and would have no other effect than to turn their trade into another channel. If the resolutions are to have their intended effect in this way, they must much lessen, if not wholly prevent, the importation of British manufactures. It would, therefore, be much preferable at once to adopt a non-importation agreement. Here he asked if it was in the power of the Government to carry such measures into execution?

The experience of 1774 ought to prevent our hastily adopting measures that might for a time stagnate, if not wholly interrupt, our trade. When our grain could not be exported, the consequence

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

would be, it would bear a very low price, and the farmers would be left a prey to domestic speculation of those who might expect such measures could not last long. If we were to commence the conflict which the adoption of these resolutions would most probably bring on, he was apprehensive we should fall in the conflict, and it would end to our disadvantage.

It is said our exports are the necessities of life, and our imports are the superfluities, and, therefore, we can dictate our own terms, and Great Britain will be forced into a compliance. One gentleman from Virginia [Mr. MOORE] grounded his whole argument on this supposition, which he finds to be fallacious. The opinion Mr. H. has of the candor of that gentleman induced him to hope he would give a different vote. With regard to our exports being so necessary to the existence of Great Britain, (he observed,) that she exported flour, salted provisions, and almost every other article of food that we did; and it will not be pretended that tobacco was a necessary of life. He had never found it so, never having made any use of it. He viewed it as a luxury.

Our timber and naval stores are carried to Great Britain under protecting duties. These articles could be supplied from Sweden and Russia. Our rice was used as a luxury; our pot and pearl ashes would also be had from other markets. In short, there did not appear to be one article of our exports that appeared to be so much of a necessary of life to them as their manufactures, especially their coarser woollens, were to us in our cold climate. To the Northward they were absolutely a necessary of life. We were in as much danger of perishing with cold as with hunger; and we can do as well without food as without raiment. We manufactured all our wool, but that fell very short of affording a supply.

He would not admit that the West India possessions of Great Britain were wholly dependent on us for a supply of flour. If we withheld that article, they will get a supply from some other quarter. They did get a supply during our war; and, if our flour should become necessary for their existence, it would find its way there by a circuitous route. We should be obliged to sell to some other nation, to whom they could go for it, and it would not be in our power to prevent it.

It is said we can injure the navigation of Great Britain. Is it not more effectually in her power to injure ours? Suppose she was to do no more than we already have—that is, to put a greater tonnage on our vessels entering her ports than she does upon her own—should we not be the sufferers? Our exports being vastly more bulky than our imports, consequently much more shipping is necessary to carry them to market. The fact is, we derive mutual advantages from the intercourse, and it would be impolitic to do anything that should cut off or suddenly make any great change in the course of trade between the two countries. Great changes in our laws or commercial systems ought not to be adopted but in cases of apparent and very urgent necessity.

The friendly disposition which the French na-

tion have manifested towards the United States and their offer to enter into a more intimate and close connexion, and to put our trade upon a more beneficial footing, has been urged as a reason why we should adopt resolutions that will favor the commerce and trade of France. On this account, he felt himself impelled, however painful might be the task, to take some notice of the political situation and proceedings of that nation. He had admired the fervor of the French nation. They had engaged in a glorious cause—the cause of Liberty—a cause to which he became an early votary; a cause in which he had risked his life, and would most cheerfully do it again, if necessary. He most sincerely wished France might succeed in establishing a free and happy Government; but he could not approve of some of the measures they were pursuing to obtain this end. Justice, humanity, forbid that we should approve of their leading to the block, in some instances, and, in others, disgracing, some of their best men, who stood foremost in the most perilous times—not for taking up arms against their country—not for a breach of duty, or betraying the cause in which they had embarked—but merely for differing in opinion from others as to the means of accomplishing the same object; an opinion which their duty to their country and constituents required them to advance and support. Are we to justify that conduct, which has brought to an ignominious death those patriots who have drawn their swords in defence of Liberty, and have upon the high places of the field successfully fought her battles? Surely not. Many other exceptionable measures might be pointed out, but he would proceed no further. He equally disapproved (he said) of the Combined Powers interfering in the internal affairs of France. Is it a proper time when things are in such an unnatural convulsed state to think of sitting down and forming commercial treaties or regulations with this nation? He disapproved of the idea of forming a closer alliance than already existed with a people who had so far transgressed the bounds of humanity, and more especially with those who had the power and took the lead in those measures. This, of all others, is not the time in which we ought to wish to alter either our commercial or political connexion with France, or indeed with any of the European nations. For this reason, it was equally imprudent and impolitic to embark in a commercial conflict with Great Britain. Our situation being detached from the European nations, we ought to avoid as much as possible all connexion with their politics or wars. Our own country ought to be the peculiar object of our attention, and his opposition to the resolutions on the table was grounded entirely on the regard which he had for what he supposed and believed to be the true interest of his country.

Mr. CLARK felt himself under the necessity of expressing a few words at this stage of the subject. He mentioned something of the influence that had been dreaded on our funds. But he was clear as to the evidence that Great Britain had kept our Western posts, that she had taken our vessels at sea, and that she was the cause of setting

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

loose the Algerines, &c. The expectation of any favorable issue, from negotiating with Britain, he believed, was fallacious; and the adoption of Mr. MADISON's resolutions would be severely felt by them, although they would be harmless to us. Some further duties ought to be laid on such articles as they can be added on; and this may be done without either injuring our funds or diminishing the revenue.

Three years ago, we were told of a commercial treaty, but just as Congress were rising, we were informed in a Report from the Secretary of State, that it was all at an end. The change of sentiments in the gentlemen from the Eastward was, to him, curious. Formerly they had declared that if the Southern members would agree, we would get our commerce under proper regulations; but now, when Southern gentlemen are willing, the opinions of the others are quite the reverse.

It has been argued that Britain had only acted towards the Algerines, as a nation in support of its own interest. Granted. So have we a right to take measures that will secure our trade; neither do we run any risk by it, and it is more a political than a commercial question, after all that has been said about it. The idea of remonstrating or negotiating with Britain, he viewed as the most likely to produce a war about the recovery of the Western posts; which he did not think worth redeeming with the blood of our citizens. He believed that it was the duty of members to agree to the resolutions proposed, and to increase the duties on several imports, especially as it might easily be done, without impairing the revenue.

Mr. GILBERT, from New York, rose with diffidence, he said, to discharge the duty owed to his constituents, by expressing his sentiments on this important question, although he would not profess to deliver anything new. He had heard all the arguments for and against the resolutions. He had listened to philippics, and encomiums, in regard to England and France, in which both passion and revenge were too conspicuous, and in his opinion quite incompatible with that degree of cool deliberation which the merits of the subject demanded.

If he understood them rightly, those resolutions were intended to produce a great alteration in the affairs of this country: such a transition he feared would not produce any advantages. In some cases any change may produce a better condition, and if this change was likely to produce the same effect, he would not refuse it his support. But, will the alteration now proposed better the commercial condition of the United States? He feared it would have a contrary effect; and at this time of general prosperity, he asked, whence arises the necessity for such a transition? Such a proposition, therefore, as is contained in the resolutions ought to be considered again and again before it be adopted, under the prosperous situation of the United States.

We had much faith in the maxim of leaving commerce and agriculture to regulate themselves. It was a maxim admitted in all ages, and even by the gentleman who introduced the resolutions.

There may possibly be exceptions to this maxim, which would establish another maxim equally good, and if the proposed system was founded on such exceptions, he would agree to it. But he believed that the discrimination intended, was not founded on the exceptions to those maxims. When it becomes necessary to discriminate, let it be done in favor of ourselves.

We are told that the great object of this Government is, to regulate our commerce by a proper system of discrimination. But the turn of European affairs may terminate in favor of that nation, against which this discrimination is directed. We are likewise told of the balance of trade being against us with Britain. He doubted, however, the rules on which the calculation had been made, and believed, that some of those rules ought to be exploded; for, in order to calculate the balance of our trade, we ought to take all the world into the account, Spain, Holland, &c. For his part, from all that he could collect, his judgment led him to resist the proposed system.

But, in the course of the debates, another complexion had been put upon commerce, than he had expected. She had been represented as a wolf and a lion; war and revenge were her attendants, and you must fight. You go to battle, to conquest, to fight and retire. Again, under this shape, the resolutions are contrary to his opinion. It would be better to enter into a formal declaration of war against Britain and the Algerines, &c., wherein we might charge Britain with having conducted herself towards us with the greatest enmity. Yet, are the facts to prove this unequivocal? No satisfactory evidence has been offered to prove, that the truce between Algiers and Portugal was effected by the British Cabinet; but they wanted to have the whole force of Portugal thrown into the scale of the combined Powers, and therefore they made a six months or some other term of a truce, for Portugal, in order to prevent their navy from being diverted from the main object of operating against France.

But, can this be taken as a declaration of war against America? He concluded, by declaring his opinion, that Mr. MADISON's propositions were inadequate to the intentions of the mover; and, if adopted, he feared, would prove ruinous to the United States.

Mr. FINDLEY said, that the new matter which had been introduced, and the change of aspect, under which the subject now appeared, induced him to rise once more. He was pleased to find that the resolutions were taken up on new principles. The opposition now comes from a quarter where navigation was formerly a favorite object, and when the fishery bill was to be the foundation of our commercial prosperity, by being a nursery for seamen, &c. But at this day we are told not to meddle with navigation, lest by giving too much encouragement to it, we may divert the labor of our young men from agriculture? I confess, said he, that I don't know on what ground this great change has been effected; because, if the encouragement of our navigation and commerce was a desirable object then, it must be evident, that it is

JANUARY, 1794.]

Commerce of the United States.

[H. OF R

more necessary now, when our commerce is suffering.

He said it was a national question, and all local interests ought to give place to it. He could not separate a commercial from a political question in the present case, for they seemed as much connected as light and heat, and were as essential to each other. Everything that concerns the national welfare, is a political question, nor could he take up the subject in any other view. It is alleged that a commercial treaty is improper, because we are a growing people; and having to deal with a people who already have commercial treaties. But some measures must be adopted. He was opposed to fleets and armies, yet, if we were amongst, and connected with the countries of Europe, we would be obliged to have both.

A gentleman from New Jersey had intimated that the United States had refused to comply with the treaty on their part. He wished the circumstance might not be hid, if it is so, let it be spoken out. He could not, however, subscribe to this assertion, for we have vindicated our honor by the proceedings in our Courts of Law, so that we cannot be charged with any open breach of the treaty unless by implication.

In reply to Mr. HILLHOUSE, Mr. F. made several observations in regard to Britain consulting her own interest, and he did not wish our discriminations to go any farther than our own interest would permit. He next adverted to what had already been often mentioned in the course of the debate of the evidences respecting the Western posts, the savages, and the Algerines. A gentleman from New Jersey had assured him two years ago that a treaty was then negotiating and would soon be finished, but it was not yet done.

[Mr. DAYTON demanded to know to whom Mr. F. alluded. He replied that he meant Mr. BOUNDINOT. This gentleman denied having given such information as Mr. F. mentioned, at least in that unqualified sense.]

Mr. F. proceeded. He took notice of the severe observations that Mr. HILLHOUSE had made in regard to France. The decisions of that gentleman on this occasion, reminded him of the charges made against the white inhabitants of the Western frontiers, when the Indians were murdering them and their wives and children. It was asserted that the citizens of the West were the aggressors, and he had been obliged to vindicate their character. Several other remarks were made by Mr. F. His intentions in supporting the resolutions were similar to those of Mr. CLARK, viz.: not to wage war, but to prevent it. It is the interest of nations to promote the advantages of each other, but when we meet an unequivocal enemy in trade we are called on to do justice to ourselves. The means of supplying our citizens with domestic manufactures is within our power, although it cannot be done all at once.

The opposition to the resolutions, he observed, had taken a wider extent than was at first expected. He would have been better pleased, if a gentleman who spoke yesterday, [Mr. TRACY.] had used more candor, instead of ridicule, in his argu-

ments. It had been denied that Britain depended so much on this country for supplies; yet, he would assert, that the industrious laborers in Manchester, were already in a state of the greatest distress by the war, and in Paisley, in Scotland, they were almost starving. So it was in many parts of Ireland. The consequence was, that the British army was increased, although the men entered into the service with reluctance.

He next took a view of the trade of Britain with this country. In 1775, America and the West Indies consumed one-third of their manufactures, and the consumption has been greater since that time. From these reasons, it was evident, that they would be the sufferers, were we to refuse their manufactures; and it is entirely in our power to do so, at least in such a degree as to regulate our own commerce.

A gentleman who was up yesterday from the Eastward, [Mr. DEXTER,] told us much of the peace and prosperity of the United States. If this be true, whence, then, do we hear the noise of war on all sides of us? The widow and the orphan murdered in the West, and our citizens carried into slavery from our vessels on the ocean?

One of the arguments he heard urged against our attempting to offend Britain, by any innovation in commercial regulations, was, that she was so strongly allied, it would be dangerous. She is so, but it is not probable that such alliances will be lasting.

The Governor of the Universe will not suffer the combined forces of Europe to crush Liberty; and it will not be long before those allied despots must break loose from their unnatural bonds, and all their national jealousies will return. From every consideration, he was of opinion, that the resolutions ought to be adopted, and that this country, although it could not do it in a day, yet, it ought to be preparing gradually, by giving encouragement to domestic manufactures, such as would eventually render us more independent in commercial transactions.

Gentlemen had spoken largely of the comparative trade of Britain and France, and we had heard a flourish about philippics and eulogiums, scenes of agitation and horror. But did the gentleman, who undertook to accuse Frenchmen, take into consideration their provocations? Have we ever read, or heard of any nation that was so much depressed and abused by its Government? No nation was ever so much abused—no nation ever had such a combination of power to contend with. No nation was ever so treacherously used by men in whom they had placed confidence—no nation ever suffered so much in the cause of liberty.

Again, he returned to consider the conduct of the United States in relation to Britain. We have been mild and patient. We have avoided to irritate them. Nor have we even fortified our posts on Lake Erie, or in Pennsylvania, and we looked for some faith in return. Yet what effect has there been produced? We know it to be a fact, that they have provoked the Indians against us, and that they have supplied them both with arms and rations. If they will pursue such measures as they

please, for their own interest, ought we not to pursue measures for ours? He had no prejudice or objections against Englishmen, but to the tyrannical conduct of their Government, which has committed so many faults, first, in regard to the slave-trade, the navigation of the ocean, &c., &c., and lastly, in the injury done to the United States in depriving us of the benefits of the fur trade.

Appeals to their justice, and negotiations, have been proposed; but even on this ground what have we to expect from negotiation or remonstrance? Here he quoted several instances where this mode of treatment generally failed. Let us, therefore, appeal to their interest. It is allowed that the balance of trade is against us with Great Britain, whilst it is in our favor with every other nation.

In reply to some expressions of Mr. S. SMITH, Mr. F. said, that if he might be allowed to compare small with great things, although he would not himself be a great loser by the expense of altering the flag of his ships on the seas, yet he had his share of losses in the Revolution and was as much attached to the independence of his country as the most wealthy citizen in it; neither did he covet any of the gentleman's wealth to divide amongst his sons, being already in possession of such a comfortable portion of property as enabled him to live pretty nearly on an equality with his constituents.

With regard to the public funds, he could not see how the adoption of the resolutions would injure them. He believed that it would not; and although he had not from the first approved of the system of finance, yet he would be amongst those who would endeavor to pay off the Public Debt, even faster than the Funding System allowed, if it could be done. He did not, however, like to hear the Funding System always conjured up like a ghost in rivalry against every salutary measure, that could be suggested for the nation. It was a dangerous doctrine to set up the funds, and the interests of the country, as enemies to each other.

He took further notice of some forced arguments of a gentleman from the Eastward, [Mr. TRACY,] and he observed, that although merchants of the largest capitals might be supposed to have the least occasion for credit, yet experience shows that they avail themselves of credit as much as others. After a few additional remarks, Mr. F. concluded by declaring himself in favor of the resolutions, and that it was more necessary to adopt them now than two years ago; he hoped, therefore, that gentlemen would agree to consider that as the best time for doing it.

Mr. SMITH closed this day's debate by a short speech, principally intended to throw the arguments of Mr. FINDLEY and the resolutions of Mr. MADISON into ridicule. He went over the old ground of asserting that none of the products of the United States were necessities of life in Great Britain.

After he sat down, the Committee rose, reported progress, and asked leave to sit again.

MONDAY, January 27.

Mr. WILLIAM SMITH, from the committee appointed to take into consideration the act "to establish the Judicial Courts of the United States," and report some provision in the case where any Judge of the Courts of the United States, is, or may, by sickness or other disqualifying cause, be rendered incapable of discharging the duties of his office; also, some further provision concerning bail, process, and costs, in the Courts of the United States; and generally, to report such amendments to the said act as they may deem necessary and Constitutional, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries: When

Mr. AMES rose and said: The question lies within this compass: As there any measure proper to be adopted by Congress, which will have the effect to put our trade and navigation on a better footing? If there is, it is our undoubted right to adopt it, if by right is understood the power of self-government which every independent nation possesses, and our own as completely as any other. It is our duty, also, for we are the depositaries and the guardians of the interests of our constituents, which on every consideration ought to be dear to us. I make no doubt they are so, and that there is a disposition sufficiently ardent existing in this body to co-operate in any measures for the advancement of the common good. Indeed, so far as I can judge from any knowledge I have of human nature, or of the prevailing spirit of public transactions, that sort of patriotism which makes us wish the general prosperity when our private interest does not happen to stand in the way, is no uncommon sentiment. In truth, it is very like self-love, and not much less prevalent. There is little occasion to excite and inflame it. It is like self-love—more apt to want intelligence than zeal. The danger is always, that it will rush blindly into embarrassments, which a prudent spirit of inquiry might have prevented, but from which it will scarcely find means to extricate us. While, therefore, the right, the duty, and the inclination to advance the trade and navigation of the United States, are acknowledged and felt by us all, the choice of the proper means to that end, is a matter requiring the most circumspect inquiry, and the most dispassionate judgment.

After a debate has continued a long time, the subject very frequently becomes tiresome before it is exhausted. Arguments, however solid, urged by different speakers, can scarcely fail to render the discussion both complex and diffusive. Without pretending to give to my arguments any other merit, I shall aim at simplicity.

We hear it declared, that the design of the resolutions is, to place our trade and navigation on a better footing. By a better footing, we are to

JANUARY, 1794.]

Commerce of the United States.

[H. or R.]

understand a more profitable one. Profit is a plain word, that cannot be misunderstood. We have, to speak in round numbers, \$20,000,000 of exports annually. To have the trade of exports on a good footing, means nothing more than to sell them dear; and, consequently, the trade of import on a good footing, is to buy cheap. To put them both on a better footing, is to sell dearer and to buy cheaper than we do at present. If the effect of the resolutions will be to cause our exports to be sold cheaper and our imports to be bought dearer, our trade will suffer an injury.

It is hard to compute how great the injury would prove; for the first loss of value in the buying dear and selling cheap, is only the symptom and beginning of the evil, but by no means the measure of it. It will withdraw a great part of the nourishment that now supplies the wonderful growth of our industry and opulence. The difference may not amount to a great proportion of the price of the articles, but it may reach the greater part of the profit of the producer. It may have effects in this way, which will be of the worst kind, by discouraging the products of our land and industry. It is to this test I propose to bring the resolutions on the table. And if it shall clearly appear that they tend to cause our exports to be sold cheaper, and our imports to be bought dearer, they cannot escape condemnation. Whatever specious show of advantage may be given them, they deserve to be called aggravations of any real or supposed evils in our commercial system, and not remedies.

I have framed this statement of the question so as to comprehend the whole subject of debate, and at the same time I confess it was my design to exclude from consideration a number of topics which appear to me totally irrelevant to it.

The best answer to many assertions we have heard, is to admit them without proof. We are exhorted to assert our natural rights, to put trade on a respectable footing, to dictate terms of trade to other nations, to engage in a contest of self-denial, and by that, and by shifting our commerce from one country to another, to make our enemies feel the extent of our power. This language, as it respects the proper subject of discussion, means nothing, or what is worse. If our trade is already on a profitable footing, it is on a respectable one. Unless war be our object, it is useless to inquire, what are the dispositions of any Government with whose subjects our merchants deal to the best advantage. While they will smoke our tobacco, and eat our provisions, it is very immaterial, both to the consumer and the producer, what are the politics of the two countries, excepting so far as their quarrels may disturb the benefits of their mutual intercourse.

So far, therefore, as commerce is concerned, the inquiry is, have we a good market? The good or bad state of our actual market is the question. The actual market is everywhere more or less a restricted one, and the natural order of things is displaced by the artificial. Most nations, for reasons of which they alone are the rightful judges, have regulated and restricted their intercourse ac-

cording to their views of safety and profit. We claim for ourselves the same right, as the acts in our statute book and the resolutions on the table evince, without holding ourselves accountable to any other nation whatever. The right which we properly claim, and which we properly exercise when we do it prudently and usefully for our nation, is as well established, and has been longer in use in the countries of which we complain, than in our own. If their right is as good as that of Congress to regulate and restrict, why do we talk of a strenuous exertion of our force, and by dictating terms to nations who are fancied to be physically dependent on America, to change the policy of nations? It may be very true, that their policy is very wise and good for themselves, but not as favorable for us as we would make it, if we could legislate for both sides of the Atlantic.

The extravagant despotism of this language accords very ill with our power to give it effect, or with the affectation of zeal for an unlimited freedom of commerce. Such a state of absolute freedom of commerce never did exist, and it is very much to be doubted whether it ever will. Were I invested with the trust to legislate for mankind, it is very probable the first act of my authority would be to throw all the restrictive and prohibitory laws of trade into the fire; the resolutions on the table would not be spared. But if I were to do so, it is probable I should have a quarrel on my hands, with every civilized nation. The Dutch would claim the monopoly of the spice trade, for which their ancestors passed their whole lives in warfare. The Spanish and Portuguese would be no less obstinate. If we calculate what Colony monopolies have cost in wealth, in suffering, and in crimes, we should say they were dearly purchased. The English would plead for their Navigation Act, not as a source of gain, but as an essential mean of securing their independence. So many interests would be disturbed, and so many lost, by a violent change from the existing, to an unknown order of things, and the mutual relations of nations, in respect to their power and wealth, would suffer such a shock, that the idea must be allowed to be perfectly Utopian and wild. But for this country to form the project of changing the policy of nations, and to begin the abolition of restrictions by restrictions of its own, is equally ridiculous and inconsistent.

Let every nation that is really disposed to extend the liberty of commerce, beware of rash and hasty schemes of prohibition. In the affairs of trade, as in most others, we make too many laws. We follow experience too little, and the visions of theorists a great deal too much. Instead of listening to discourses on what the market ought to be, and what the schemes, which always promise much on paper, pretend to make it, let us see what is the actual market for our exports and imports. This will bring vague assertions and sanguine opinions to the test of experience. That rage for theory and system, which would entangle even practical truth in the web of the brain, is the poison of public discussion. One fact is better than two systems.

H. or R.]

Commerce of the United States.

[JANUARY, 1794.]

The terms on which our exports are received in the British market, have been accurately examined by a gentleman from South Carolina, (Mr. WILLIAM SMITH.) Before his statement of facts was made to the committee, it was urged, and with no little warmth, that the system of England indicated her inveteracy towards this country, while that of France, springing from disinterested affection, constituted a claim for gratitude and self-denying measures of retribution.

Since that statement, however, that romantic style, which is so ill adapted to the subject, has been changed. We hear it insinuated, that the comparison of the footing of our exports in the markets of France and England, is of no importance; that it is chiefly our object to see how we may assist and extend our commerce. This evasion of the force of the statement, or rather this indirect admission of its authority, establishes it. It will not be pretended that it has been shaken during the debate.

It has been made to appear, beyond contradiction, that the British market for our exports, taken in the aggregate, is a good one—that it is better than the French, and better than any we have, and, for many of our products, the only one.

The whole amount of our exports to the British Dominions in the year ending the 30th of September, 1790, was \$9,246,660. But it will be more simple and satisfactory to confine the inquiry to the articles following: bread-stuff, tobacco, rice, wood, the produce of the fisheries, fish oil, pot and pearl ashes, salted meats, indigo, live animals, flaxseed, naval stores, and iron.

The amount of the before-mentioned articles exported in that same year to the British Dominions, was \$8,457,178.

Mr. A. went into a consideration of the footing on which they are received. He then said, we have heard so much of restriction, of inimical and jealous prohibitions to cramp our trade, it is natural to scrutinize the British system, with the expectation of finding little besides the effects of her selfish and angry policy.

Yet, of the great sum of nearly eight millions and a half, the amount of the products before mentioned sold in her markets, two articles only are duties by way of restriction. Bread stuff is dutied so high in the market of Great Britain, as in times of plenty to exclude it, and this is done from the desire to favor her own farmers. The mover of the resolutions justified the exclusion of our bread stuff from the French West Indies by their permanent regulations, because he said they were bound to prefer their own products to those even of the United States. It would seem that the same apology would do for England, in her home market. But what will do for the vindication of one nation becomes invective against another. The criminal nation, however, receives our bread-stuff in the West Indies free, and excludes other foreign, so as to give our producers the monopoly of the supply. This is no merit, in the judgment of the mover of the resolutions, because it is a fragment of her old Colony system. Notwithstanding the nature of the duties on breadstuff in Great Bri-

tain, it has been clearly shown that she is a better customer for that article in Europe, than her neighbor, France. The latter, in ordinary times, is a poor customer for breadstuff, for the same reason that our own country is, because she produces it herself, and therefore France permits it to be imported, and the United States do the like. Great Britain often wants the article, and then she receives it; no country can be expected to buy what it does not want. The breadstuff sold in the European Dominions of Great Britain in the year 1790, amounted to \$1,087,840.

Whale oil pays the heavy duty of eighteen pounds three shillings sterling per ton; yet spermaceti oil found a market there to the value of \$81,048. Thus it appears that, of eight millions and a half sold to Great Britain and her Dominions, only the value of one million one hundred and sixty-eight thousand dollars was under duty of a restrictive nature. The breadstuff is hardly to be considered as within the description, yet to give the argument its full force, what is it? about one-eighth part is restricted. To proceed with the residue:

Indigo, to the amount of	-	-	\$473,830
Live animals to the West Indies	-	-	62,415
Flax seed to Great Britain	-	-	219,924
Total	-	-	756,169

These articles are received duty free, which is a good foot to the trade. Yet, we find, good as it is, the bulk of our exports is received on even better terms.

Flour to the British West Indies	-	-	\$858,096
Grain	-	-	273,505
Free, while other foreign flour and grain is prohibited.	-	-	
Tobacco to Great Britain	-	-	2,754,493
Tobacco to the West Indies	-	-	22,816
1s. 3d. sterling, duty—3s. 6d. on other foreign Tobacco.	-	-	
In the West Indies other foreign tobacco is prohibited.	-	-	
Rice to Great Britain	-	-	773,852
7s. 4d. per cwt. duty—8s. 10d. on other foreign rice.	-	-	
To the West Indies	-	-	180,077
Other foreign rice prohibited.	-	-	
Wood, to Great Britain	-	-	240,174
Free—higher duties on other foreign.	-	-	
To the West Indies	-	-	382,481
Free—other foreign prohibited.	-	-	
Pot and pearl ashes	-	-	747,078
Free—2s. 3d. on other foreign, equal to \$10 per ton.	-	-	
Naval stores, to Great Britain	-	-	190,670
Higher duties on other foreign.	-	-	
To the West Indies	-	-	6,162
Free—other foreign prohibited.	-	-	
Iron, to Great Britain	-	-	81,612
Free—duties on other foreign.	-	-	
	-	-	6,510,926

Thus it appears, that nearly seven-eighths of the exports to the British Dominions are received on terms of positive favor. Foreigners, our rivals

JANUARY, 1794.]

Commerce of the United States.

[II. OF R.]

in the sale of these articles, are either absolutely shut out of their market by prohibitions, or discouraged in their competition with us by higher duties. There is some restriction, it is admitted, but there is, to balance it, a large amount received duty free. The above surplus of six millions and a half goes to the account of privilege and favor. This is better than she treats any other foreign nation; it is better, indeed, than she treats her own subjects; because they are, by this means, deprived of a free and open market; it is better than our footing with any nation with whom we have treaties. It has been demonstratively shown that it is better than the footing on which France receives either the like articles, or the aggregate of our products. The best proof in the world is, that they are not sent to France; the merchants will find out the best market sooner than we shall.

The footing of our exports under the British system, is better than that of their exports to the United States, under our system. Nay, it is better than the freedom of commerce, which is one of the visions for which our solid prosperity is to be hazarded; for, suppose we could batter down her system of prohibitions and restrictions, it would be gaining a loss: one-eighth is restricted, and more than six-eighths has restrictions in its favor. It is as plain as figures can make it, that if a state of freedom for our exports is at par, the present system raises them, in point of privilege, above par. To suppose that we can terrify them by these resolutions to abolish their restrictions, and at the same time to maintain in our favor their duties, to exclude other foreigners from their market, is too absurd to be refuted.

We have heard that the market of France is the great centre of our interests; we are to look to her, and not to England, for advantages. Being, as the style of theory is, our best customer and best friend, showing to our trade particular favor and privilege, while England manifests in her system such narrow and selfish views, it is strange to remark such a pointed refutation of assertions and opinions by facts. The amount sent to France herself is very trivial; either our merchants are ignorant of the best markets, or those which they prefer are the best; and, if the English markets, in spite of the alleged ill usage, are still preferred to the French, it is a proof of the superior advantages of the former over the latter. The arguments I have adverted to, oblige those who urge them to make a greater difference in favor of the English, than the true state of facts will warrant. Indeed, if they persist in their arguments, they are bound to deny their own conclusions. They are bound to admit this position: if France receives little of such of our products as Great Britain takes on terms of privilege and favor, because of that favor it allows the value of that favored footing. If France takes little of our articles, because she does not want them, it shows the absurdity of looking to her as the best customer.

It may be said, and truly, that Great Britain regards only her own interest in these arguments.

So much the better. If it is her interest to afford to our commerce more encouragement than France gives, if she does this when she is inveterate against us, as it is alleged, and when we are indulging an avowed hatred towards her, and partiality towards France, it shows that we have very solid ground to rely on. Her interest is, according to this statement, stronger than our passions, stronger than her own, and is the more to be depended on, as it cannot be put to any more trying experiment in future. The good will and friendship of nations are hollow foundations to build our systems upon. Mutual interest is a bottom of rock. The fervor of transient sentiments is not better than straw or stubble. Some gentlemen have lamented this distrust of any relation between nations except an interested one. But the substitution of any other principle could produce little else than the hypocrisy of sentiment, and an instability of affairs. It would be relying on what is not stable, instead of what is; it would introduce into politics the jargon of romance. It is in this sense, and this only, that the word favor is used: a state of things so arranged as to produce our profit and advantage, though intended by Great Britain merely for her own. The disposition of a nation is immaterial; the fact that we profit by their system cannot be so to this discussion.

The next point is, to consider whether our imports are on a good footing, or, in other words, whether we are in a situation to buy what we have occasion for at a cheap rate. In this view, the systems of the commercial nations are not to be complained of, as all are desirous of selling the products of their labor. Great Britain is not censured in this respect. The objection is rather of the opposite kind, that we buy too cheap, and therefore consume too much, and that we take not only as much as we can pay for, but to the extent of our credit also. There is less freedom of importation, however, from the West Indies. In this respect, France is more restrictive than England; for the former allows the exportation to us of only rum and molasses, while England admits that of sugar, coffee, and other principal West India products. Yet, even here, when the preference seems to be decidedly due to the British system, occasion is taken to extol that of the French. We are told that they sell us the chief part of the molasses which is consumed or manufactured into rum, and that a great and truly important branch, the distillery, is kept up by their liberality in furnishing the raw material. There is at every step matter to confirm the remark, that nations have framed their regulations to suit their own interests, not ours. France is a great brandy manufacturer. She will not admit ruin, therefore, even from her own islands, because it would supplant the consumption of brandy. The molasses was for that reason some years ago of no value in her islands, and was not even saved in casks. But the demand from America soon raised its value. The policy of England has been equally selfish. The molasses is distilled in her islands, because she has no manufacture of brandy to suffer by its sale.

H. or R.]

Commerce of the United States.

[JANUARY, 1794.]

A question remains respecting the state of our navigation. If we pay no regard to the regulations of foreign nations, and ask whether this valuable branch of our industry and capital is in a distressed and sickly state, we shall find that it is in a strong and flourishing condition. If the quantity of shipping was declining, if it was unemployed, even at low freight, I should say it must be sustained and encouraged. No such thing is asserted. Seamen's wages are high, freights are high, and American bottoms in full employment. But the complaint is, our vessels are not permitted to go to the British West Indies. It is even affirmed, that no civilized country treats us so ill in that respect. Spain and Portugal prohibit the traffic to their possessions, not only in our vessels, but in their own, which, according to the style of the resolutions, is worse treatment than we meet with from the British. It is also asserted, and on as bad ground, that our vessels are excluded from most of the British markets. This is not true, in any sense. We are admitted into the greater number of her ports, in our own vessels; and by far the greater value of our exports is sold in British ports, into which our vessels are received, not only on a good footing, compared with other foreigners, but on terms of positive favor—on better terms than British vessels are admitted into our own ports. We are not subject to the alien duties; and the light money, &c., of 1s. 9d. sterling, per ton, is less than our foreign tonnage duty, not to mention the ten per cent. on the duties on the goods in foreign bottoms. But in the port of London, our vessels are received free. It is for the unprejudiced mind to compare these facts with the assertions we have heard so confidently and so feelingly made by the mover of the resolutions, that we are excluded from most of their ports, and that no civilized nation treats our vessels so ill as the British.

The tonnage of the vessels employed between Great Britain and her dependencies and the United States, is called two hundred and twenty thousand, and the whole of this is represented as our just right. The same gentleman speaks of our natural right to the carriage of our own articles, and that we may and ought to insist upon our equitable share. Yet, soon after, he uses the language of monopoly, and represents the whole carriage of imports and exports as the proper object of our efforts, and all that others carry as a clear loss to us. If an equitable share of the carriage means half, we have it already, and more, and our proportion is rapidly increasing. If anything is meant by the natural right of carriage, one would imagine that it belongs to him, whoever he may be, who having bought our produce, and made himself the owner, thinks proper to take it with him to his own country. It is neither our policy nor our design to check the sale of our produce; we invite every description of purchasers, because we expect to sell dearest when the number and competition of the buyers is the greatest. For this reason, the total exclusion of foreigners and their vessels from the purchase and carriage of our exports is an advantage, in respect to navigation,

which has a disadvantage to balance it, in respect to the price of produce. It is with this reserve we ought to receive the remark, that the carriage of our exports should be our object rather than that of our imports. By going with our vessels into foreign ports, we buy our imports in the best market. By giving a steady and moderate encouragement to our own shipping, without pretending violently to interrupt the course of business, experience will soon establish that order of things which is most beneficial to the exporter, the importer, and the ship owner. The best interest of agriculture is the true interest of trade.

In a trade mutually beneficial, it is strangely absurd to consider the gain of others as our loss. Admitting it, however, for argument sake, yet it should be noticed that the loss of two hundred and twenty thousand tons of shipping is computed according to the apparent tonnage. Our vessels not being allowed to go to the British West Indies, and their vessels making frequent voyages, appear in the entries over and over again. In the trade to the European Dominions of Great Britain, the distance being greater, our vessels are not so often entered. Both these circumstances give a false show to the amount of British tonnage, compared with the American. It is, however, very pleasing to the mind, to see that our tonnage exceeds the British in the European trade. For various reasons, some of which will be mentioned hereafter, the tonnage in the West India trade is not the proper subject of calculation. In the European comparison, we have more tonnage in the British than in the French commerce; it is, indeed, more than four to one. The great quantity of British tonnage, employed in our trade, is also, in a great measure, owing to the large capitals of the merchants employed in the buying and exporting our productions. If we would banish the ships, we must strike at the root, and banish the capital; and this, before we have capital of our own grown up to replace it, would be an operation of no little violence and injury, to our Southern brethren especially. Independently of this circumstance, Great Britain is an active and intelligent rival in the navigation line. Her ships are dearer, and the provisioning of her seamen is perhaps rather dearer than ours; on the other hand, the rate of interest is lower in England, and so are seamen's wages. It would be improper, therefore, to consider the amount of British tonnage in our trade as a proof of a bad state of things, arising either from the restrictions of that Government, or the negligence or timidity of this. We are to charge it to causes which are more connected with the natural competition of capital and industry; causes which, in fact, retarded the growth of our shipping more when we were Colonies and our ships were free, than since the adoption of the present Government.

It has been said, with emphasis, that the Constitution grew out of the complaints of the nation respecting commerce, especially that with the British Dominions. What was then lamented by our patriots? Feebleness of the public Councils, the shadow of union, and scarce the shadow of public

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

credit—every where despondency—the pressure of evils not only great, but portentous of civil distractions. These were the grievances; and what more was then desired than their remedies? Is it possible to survey this prosperous country, and to assert that they have been delayed? Trade flourishes on our wharves, although it droops in speeches. Manufactures have risen, under the shade of protecting duties, from almost nothing, to such a state that we are even told it is safe to depend on the domestic supply, if the foreign should cease. The fisheries, which we found in decline, are in the most vigorous growth. The whale fishery, which our allies would have transferred to Dunkirk, now traverses the whole ocean: to that hardy race of men, the sea is but a park for hunting its monsters; such is their activity, the deepest abysses scarcely afford to their prey a hiding place. Look around, and see how the frontier circle widens, how the interior improves, and let it be repeated, that the hopes of the people, when they formed this Constitution, have been frustrated!

But if it should happen that our prejudices prove stronger than our senses; if it should be believed that our farmers and merchants see their products and ships and wharves going to decay together, and they are ignorant or silent on their own ruin, still the public documents would not disclose so alarming a state of our affairs. Our imports are obtained so plentifully and cheaply, that one of the avowed objects of the resolution is, to make them scarcer and dearer. Our exports, so far from languishing, have increased two millions of dollars in a year. Our navigation is found to be augmented beyond the most sanguine expectation. We hear of the vast advantage the English derive from the Navigation Act, and we are asked, in a tone of accusation, Shall we sit still, and do nothing? Who is bold enough to say, Congress has done nothing for the encouragement of American navigation? To counteract the Navigation Act, we have laid on British a higher tonnage than our own vessels pay in their ports; and, what is much more effectual, we have imposed ten per cent. on the duties, when the dutied articles are borne in foreign bottoms. We have also made the coasting trade a monopoly to our own vessels. Let those who have asserted that this is nothing, compare facts with the regulations which produced them:

Tonnage.		Tons.	Excess of Am. Tonnage.
American, 1789	- -	297,463	
Foreign, "	- - -	265,116	32,352
American, 1790	- - -	347,663	
Foreign, "	- - -	258,916	88,747
American, 1791	- - -	363,810	
Foreign, "	- - -	240,799	123,011
American, 1792	- - -	415,330	
Foreign, "	- - -	244,263	171,067

Is not this increase of American shipping rapid enough? Many persons say it is too rapid, and

attracts too much capital for the circumstances of the country. I cannot readily persuade myself to think so valuable a branch of employment thrives too fast. But a steady and sure encouragement is more to be relied on than violent methods of forcing its growth. It is not clear that the quantity of our navigation, including our coasting and fishing vessels, is less, in proportion to those of that nation. In that computation, we shall probably find that we are already more a navigating people than the English. As this is a growing country, we have the most stable ground of dependence on the corresponding growth of our navigation; and that the increasing demand for shipping will rather fall to the share of Americans than foreigners, is not to be denied. We did expect this, from the nature of our own laws; we have been confirmed in it by experience; and we know that an American bottom is actually preferred to a foreign one. In cases where one partner is an American and another a foreigner, the ship is made an American bottom. A fact of this kind overthrows a whole theory of reasoning on the necessity of further restrictions. It shows that the work of restriction is already done.

If we take the aggregate view of our commercial interests, we shall find much more occasion for satisfaction, and even exultation, than complaint, and none for despondency. It would be too bold to say that our condition is so eligible there is nothing to be wished. Neither the order of nature nor the allotments of Providence afford perfect content, and it would be absurd to expect in our politics what is denied in the laws of our being. The nations with whom we have intercourse have, without exception, more or less restricted their commerce. They have framed their regulations to suit their real or fancied interests. The code of France is as full of restrictions as that of England. We have regulations of our own, and they are unlike those of any other country. Inasmuch as the interests and circumstances of nations vary so essentially, the project of an exact reciprocity on our part is a vision. What we desire is, to have, not an exact reciprocity, but an intercourse of mutual benefit and convenience. It has scarcely been so much as insinuated that the change contemplated will be a profitable one—that it will enable us to sell dearer and to buy cheaper; on the contrary, we are invited to submit to the hazards and losses of a conflict with our customers—to engage in a contest of self-denial. For what? To obtain better markets? No such thing; but to shut up, forever, if possible, the best market we have for our exports, and to confine ourselves to the dearest and scarcest markets for our imports; and this is to be done for the benefit of trade, or, as it is sometimes more correctly said, for the benefit of France. This language is not a little inconsistent and strange from those who recommend a non-importation agreement, and who think we should even renounce the sea, and devote ourselves to agriculture. Thus, to make our trade more free, it is to be embarrassed and violently shifted from one country to another; not according to the interest of the merchants, but the visionary theories and

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

capricious rashness of the legislators. To make trade better, it is to be made nothing.

So far as commerce and navigation are regarded, the pretences for this contest are confined to two. We are not allowed to carry manufactured articles to Great Britain, nor any products, except of our own growth, and we are not permitted to go, with our own vessels, to the West Indies. The former, which is a provision of the Navigation Act, is of little importance to our interests; as our trade is chiefly a direct one; our shipping not being equal to the carrying for other nations; and our manufactured articles are not furnished in quantities for exportation, and if they were, Great Britain would not be a customer. So far, therefore, the restriction is rather nominal than real. The exclusion of our vessels from the West Indies is of more importance. When we propose to make an effort to force a privilege from Great Britain, which she is loth to yield to us, it is necessary to compare the value of the object with the effort, and, above all, to calculate very warily the probability of success. A trivial thing deserves not a great exertion; much less ought we to stake a very great good in possession for a slight chance of a less good. The carriage of one half the exports and imports to and from the British West Indies, is the object to be contended for. Our whole exports to Great Britain are to be hazarded. We sell on terms of privilege and positive favor, as it has been abundantly shown, near seven millions to the Dominions of Great Britain. We are to risk the privilege in this great amount—for what? For the freight only of one half the British West India trade with the United States. It belongs to commercial men to calculate the entire value of the freight alluded to; but it cannot bear much proportion to the amount of seven millions. Besides, if we are denied the privilege of carrying our articles in our vessels to the islands, we are on a footing of privilege in the sale of them. We have one privilege, if not two. It is readily admitted that it is a desirable thing to have our vessels allowed to go to the English islands, but the value of the object has its limits; and we go unquestionably beyond them, when we throw our whole exports into confusion, and run the risk of losing our best markets, for the sake of forcing a permission to carry our own products to one of those markets; in which, too, it should be noticed, we sell much less than we do to Great Britain herself. If to this we add, that the success of the contest is grounded on the sanguine and passionate hypothesis of our being able to starve the islanders, which, on trial, may prove false, and which our being involved in the war would overthrow at once, we may conclude, without going further into the discussion, that prudence forbids our engaging in the hazards of a commercial war; that great things should not be stated against such as are of much less value; that what we possess should not be risked for what we desire, without great odds in our favor; still less, if the chance is infinitely against us.

If these considerations should fail of their effect, it will be necessary to go into an examination of

the tendency of the system of discrimination to redress and avenge all our wrongs, and to realize all our hopes.

It has been avowed that we are to look to France, not to England, for advantages in trade; we are to show our spirit, and to manifest towards those who are called enemies the spirit of enmity, and towards those we call friends something more than passive good will; we are to take active measures to force trade out of its accustomed channels, and to shift it by such means from England to France. The care of the concerns of the French manufacturers may be left, perhaps, as well in the hands of the Convention, as to be usurped into our own. However our zeal might engage us to interpose, our duty to our own immediate constituents demands all our attention. To volunteer it, in order to excite competition in one foreign nation to supplant another, is a very strange business; and to do it, as it has been irresistibly proved it will happen, at the charge and cost of our own citizens, is a thing equally beyond all justification and all example. What is it but to tax our own people for a time, perhaps for a long time, in order that the French may at last sell as cheap as the English?—cheaper they cannot, nor is it so much as pretended. The tax will be a loss to us, and the fancied tendency of it not a gain to this country, in the event, but to France. We shall pay more for a time, and in the end pay no less; for no object but that one nation may receive our money instead of the other. If this is generous towards France, it is not just to America; it is sacrificing what we owe to our constituents, to what we pretend to feel towards strangers. We have indeed heard a very ardent profession of gratitude to that nation, and infinite reliance seems to be placed on her readiness to sacrifice her interest to ours. The story of this generous strife should be left to ornament fiction. This is not the form nor the occasion to discharge our obligations of any sort to any foreign nation; it concerns not our feelings but our interests, yet the debate has often soared high above the smoke of business into the epic region. The market for tobacco, tar, turpentine and pitch, has become matter of sentiment, and given occasion alternately to rouse our courage and our gratitude.

If, instead of hexameters, we prefer discussing our relation to foreign nations in the common language, we shall not find that we are bound by treaty to establish a preference in favor of the French. The treaty is founded on a professed reciprocity—favor for favor. Why is the principle of treaty or no treaty made so essential, when the favor we are going to give is an act of supererogation? It is not expected by one of the nations in treaty; for Holland has declared, in her treaty with us, that such preferences are the fruitful source of animosity, embarrassment, and war. The French have set no such example. They discriminate, in their late Navigation Act, not as we are exhorted to do, between nations in treaty and not in treaty, but between nations at war and not at war with them; so that, when peace takes place, England will stand by that act on the same ground with ourselves

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

Mr. AMES proceeded to show, that if we expect by giving favor to get favor in return, it is improper to make a law. The business belongs to the Executive, in whose hands the Constitution has placed the power of dealing with foreign nations. He noticed its singularity to negotiate legislatively—to make by a law half a bargain, expecting a French law would make the other. He remarked that the footing, of treaty or no treaty, was different from the ground taken by the mover himself in supporting his system. He had said favor for favor was principle. Nations not in treaty grant favors—those in treaty restrict our trade. Yet the principle of discriminating in favor of nations in treaty, was not only inconsistent with the declared doctrine of the mover and with facts, but it is inconsistent with itself. Nations not in treaty are so very unequally operated upon by the resolutions, it is absurd to refer them to one principle. Spain and Portugal have no treaties with us, and are not disposed to have. Spain would not accede to the treaty of commerce between us and France, though she was invited; Portugal would not sign a treaty after it had been discussed and signed on our part. They have few ships or manufactures, and do not feed their Colonies from us; of course there is little for the discrimination to operate upon. The operation on nations in treaty is equally a satire on the principle of discrimination. Sweden, with whom we have a treaty, duties rice higher, if borne in our bottoms, than in her own. France does the like, in respect to tobacco, two and a half livres the quintal, which in effect prohibits our vessels to freight tobacco, as the duty is more than the freight. He then remarked on the French Navigation Act, the information of which had been given to the House since the debate began. He said the mover had, somewhat unluckily, proposed to except from this system nations having no Navigation Acts, in which case France would become the subject of unfriendly discrimination as well as Great Britain.

He remarked on the disposition of England to settle a commercial treaty, and adverted to the known desire of the Marquis of Lansdowne, (then Prime Minister,) in 1783, to form such an one on the most liberal principles. The history of that business, and the causes which prevented its conclusion, ought to be made known to the public. The powers given to our Ministers were revoked, and yet we hear that no such disposition on the part of Great Britain has existed. The declaration of Mr. Pitt in Parliament, in June, 1792, as well as the correspondence with Mr. Hammond, show a desire to enter upon a negotiation. The statement of the report on the privileges and restrictions of our commerce, that Great Britain has shown no inclination to meddle with the subject, seems to be incorrect. After tracing the operation of the resolution on different nations, he examined the supposed tendency to dispose Great Britain to settle an equitable treaty with this country. He asked whether those who held such language towards that nation as he heard, could be supposed to desire a treaty and friendly connexion? It

seemed to be thought a merit to express hatred. It is common and natural to desire to annoy and to crush those whom we hate, but it is somewhat singular to pretend that the design of our anger is to embrace them. The tendency of angry measures to friendly dispositions and arrangements is not obvious. We affect to believe that we shall quarrel ourselves into their good will—that we shall beat a new path to peace and friendship with Great Britain, one that is grown up with thorns, and lined with men-traps and spring-guns. It should be called the war-path.

To do justice to the subject, its promised advantages should be examined. Exciting the competition of the French is to prove an advantage to this country, by opening a new market with that nation. This is scarcely intelligible. If it means anything, it is an admission that their market is not a good one, or that they have not taken measures to favor our traffic with them. In either case our system is absurd. The balance of trade is against us, and in favor of England. But the resolutions can only aggravate the evil, for, by compelling us to buy dearer and sell cheaper, the balance will be turned still more against our country. Neither is the supply from France less the aliment of luxury than that from England. Their excess of credit is an evil which we pretend to cure: by checking the natural growth of our own capital, which is the undoubted tendency of restraining trade, the progress of the remedy is thus delayed. If we will trade, there must be capital. It is best to have it of our own; if we have it not, we must depend on credit. Wealth springs from the profits of employment, and the best writers on the subject establish it, that employment is in proportion to the capital that is to excite and reward it.

To strike off credit, which is the substitute for capital, if it were possible to do it, would so far stop employment. Fortunately, it is not possible; the activity of individual industry eludes the misjudging power of Governments. The resolutions would, in effect, increase the demand for credit, as our products selling for less in a new market, and our imports being bought dearer, there would be less money and more need of it. Necessity would produce credit. Where the laws are strict, it will soon find its proper level; the uses of credit will remain, and the evil will disappear.

But the whole theory of balances of trade, of helping it by restraint, and protecting it by systems of prohibition and restriction against foreign nations, as well as the remedy for credit, are among the exploded dogmas which are equally refuted by the maxims of science and the authority of time. Many such topics have been advanced which were known to exist as prejudices, but were not expected as arguments. It seems to be believed that the liberty of commerce is of some value. Although there are restrictions on one side, there will be some liberty left; counter restrictions, by diminishing that liberty, are in their nature aggravations, and not remedies. We complain of the British restrictions as of a millstone; our own system will be another, so that our trade

may hope to be situated between the upper and the nether millstone.

On the whole, the resolutions contain two great principles. To control trade by law, instead of leaving it to the better management of the merchants, and the principle of a sumptuary law. To play the tyrant in the counting-house, and in directing the private expenses of our citizens, are employments equally unworthy of discussion.

Besides the advantages of the system, we have been called to another view of it, and which seems to have less connexion with the merits of the discussion. The acts of States and the votes of public bodies, before the Constitution was adopted, and the votes of the House since, have been stated as grounds for our assent to this measure at this time. To help our own trade, to repel any real or supposed attack upon it, cannot fail to prepossess the mind; accordingly, the first feelings of every man yield to this proposition. But the sober judgment on the tendency and reasonableness of the intermeddling of Government, often does, and probably ought still oftener, to change our impressions. On a second view of the question, the man who voted formerly for restrictions may say, much has been done under the new Constitution, and the good effects are yet making progress. The necessity of measures of counter restriction will appear to him much less urgent, and their efficacy in the present turbulent state of Europe infinitely less to be relied on. Far from being inconsistent in his conduct, consistency will forbid his pressing the experiment of his principle under circumstances which baffle the hopes of its success. But if so much stress is laid on former opinions in favor of this measure, how happens it that there is so little on that which now appears against it. Not one merchant has spoken in favor of it in this body; not one navigating or commercial State has patronized it.

Mr. AWES then entered pretty fully into the consideration of the absolute dependence of the British West India islands on our supplies. He admitted that they cannot draw them so well and so cheap from any other quarter; but this is not the point. Are they physically dependent? Can we starve them? And may we reasonably expect thus to dictate to Great Britain a free admission of our vessels into her islands? He went into details to prove the negative. Beef and pork sent from the now United States to the British West Indies, 1773, 14,993 barrels. In the war time, 1780, ditto from England, 17,795. At the end of the war, 1783, 16,526. Ireland exported, on an average of seven years, prior to 1777, 250,000 barrels. Salted fish the English take in abundance, and prohibit it from us. Butter and cheese from England and Ireland are but lately banished even from our markets. Exports from the now United States, 1773: horses, 2,768; cattle, 1,203; sheep and hogs, 5,320. Twenty-two years prior to 1791, were exported from England to all parts, 29,131 horses. Ireland, on an average of seven years, to 1779, exported 4,040 live stock, exclusive of hogs. The coast of Barbary, the Cape de Verdes, &c., supply sheep and cattle. The islands, since the

war, have increased their domestic supplies to a great degree. The now United States exported about 130,000 barrels of flour in 1773 to the West Indies; Ireland, by grazing less, could supply wheat; England also usually exports it, she also imports from Archangel. Sicily and the Barbary States furnish wheat in abundance.

We are deceived when we fancy we can starve foreign countries. France is reckoned to consume grain at the rate of seven bushels to each soul: twenty-six millions of souls, the quantity 182 millions of bushels. We export, to speak in round numbers, five or six millions of bushels to all the different countries which we supply; a trifle, this, to their wants. Frugality is a greater resource. Instead of seven bushels, perhaps two could be saved by stinting the consumption of the food of cattle, or by the use of other food. Two bushels saved to each soul, is fifty-two millions of bushels, a quantity which the whole trading world perhaps could not furnish. Rice is said to be prohibited by Spain and Portugal to favor their own. Brazil could supply their rice instead of ours. Lumber—he stated the danger of despising Canada and Nova Scotia too much as rivals in the West India supply, especially the former. The dependence the English had placed on them some years ago had failed, partly because we entered into competition with them on very superior terms, and partly because they were then in an infant state. They are now supposed to have considerably more than doubled their numbers since the peace; and if, instead of having us for competitors for the supply, as before, we should shut ourselves out by refusing our supplies or being refused entry for them, those two Colonies would rise from the ground: at least we should do more to bring it about than the English Ministry had been able to do. In 1772, 679 vessels, the actual tonnage of which was one hundred and twenty-eight thousand, were employed in the West India trade from Great Britain. They were supposed, on good ground, to be but half freighted to the islands; they might carry lumber, and the freight supposed to be deficient would be, at 40s. sterling the ton, £128,000. This sum would diminish the extra charge of carrying lumber to the islands. But is lumber to be had? Yes, in Germany, and from the Baltic. It is even cheaper in Europe than our own. Besides which, the hard woods used in mills are abundant in the islands. We are told they can sell their rum only to the United States: this concerns not their subsistence, but their profit. Examine it, however. In 1773, the now United States took near three millions gallons rum. The remaining British Colonies, Newfoundland, and the African Coast, have considerable demand for this article. The demand of Ireland is very much on the increase. It was, in 1763, 530,000 gallons; 1770, 1,538,000 gallons; 1778, 1,729,000 gallons.

Thus we see a total stoppage of the West India trade could not starve the islanders. It would affect us deeply; we should lose the sale of our products and of course not gain the carriage in our own vessels. The object of the contest would be no nearer our reach than before. Instead, however,

JANUARY, 1794.]

Commerce of the United States.

[II. OF R.

of a total stoppage of the intercourse, it might happen that each nation prohibiting the vessels of the other, some third nation would carry on the traffic in its own bottoms. While this measure would disarm our system, it would make it recoil upon ourselves. It would in effect operate chiefly to obstruct the sale of our products. If they should remain unsold, it would be so much dead loss; or if the effect should be to raise the price on the consumers, it would either lessen the consumption or raise up rivals in the supply. The contest as it respects the West India trade is in every respect against us. To embarrass the supply from the United States, supposing the worst as it regards the planters, can do no more than enhance the price of sugar and coffee, and other products. The French islands are now in ruins, and the English planters have an increased price and double demand in consequence. While Great Britain confined the Colony trade to herself, she gave to the Colonists in return a monopoly in her consumption of West India articles. The extra expense arising from the severest operation of our system, is already provided against two-fold. Like other charges on the products of labor and capital, the burden will fall on the consumer. The luxurious and opulent consumer in Europe will not regard and perhaps will not know the increase of price nor the cause of it. The new settler who clears his land and sells the lumber, will feel any convulsion in the market more sensibly without being able to sustain it at all. It is a contest of wealth against want; of self-denial, between luxury and daily subsistence, that we provoke with so much confidence of success. A man of experience in the West India trade will see this contrast more strongly than it is possible to represent it.

One of the excellencies for which the measure is recommended is, that it will affect our imports. What is offered as an argument is really an objection. Who will supply our wants? Our own manufactures are growing, and it is a subject of great satisfaction that they are. But it would be wrong to overrate their capacity to clothe us. The same number of inhabitants require more and more, because wealth increases. Add to this the rapid growth of our numbers, and perhaps it will be correct to estimate the progress of manufactures as only keeping pace with that of our increasing consumption and population. It follows that we shall continue to demand in future to the amount of our present importation. It is not intended by the resolutions that we shall import from England, Holland and the North of Europe do not furnish a sufficient variety or sufficient quantity for our consumption. It is in vain to look to Spain, Portugal, and the Italian States. We are expected to depend principally upon France; it is impossible to examine the ground of this dependence without adverting to the present situation of that country. It is a subject upon which I practise no disguise, but I do not think it proper to introduce the politics of France into this discussion. If others can find in the scenes that pass there, or in the principles and agents that direct them, proper subjects for amiable names and sources of joy and hope in

the prospect, I have nothing to say to it. It is an amusement which it is not my intention either to disturb or to partake of. I turn from these horrors to examine the condition of France in respect to manufacturing capital and industry. In this point of view, whatever political improvements may be hoped for, it cannot escape observation, that it presents only a wide field of waste and desolation. Capital, which used to be food for manufactures, is become their fuel. What once nourished industry, now lights the fires of civil war, and quickens the progress of destruction. France is like a ship, with a fine cargo, burning to the water's edge, she may be built upon anew, and freighted with another cargo, and it will be time enough when that shall be, to depend on a part of it for our supply; at present, and for many years, she will be not so much a furnisher as a consumer. It is therefore obvious, that we shall import our supplies either directly or indirectly from Great Britain. Any obstruction to the importation will raise the price which we who consume must bear.

That part of the argument which rests on the supposed distress of the British manufacturers in consequence of the loss of our market, is in every view unfounded. They would not lose the market in fact, and if they did, should we prodigiously exaggerate the importance of our consumption to the British workmen? Important it doubtless is, but a little attention will expose the extreme folly of the opinion, that they would be brought to our feet by a trial of our self-denying spirit. England now supplants France in the important Levant trade, in the supply of manufactured goods to the East and in a great measure to the West Indies, to Spain, Portugal, and their dependencies. Her trade with Russia has of late vastly increased; and she is treating for a trade with China; so that the new demands of English manufactures, consequent upon the depression of France as a rival, has amounted to much more than the whole American importation, which is not three millions.

British manufactures exported

in 1773, amounted to	-	-	£9,417,000
1774	-	-	10,556,000
1775	-	-	10,072,000
1789	-	-	13,779,000
1790	-	-	14,921,000
1791	-	-	16,810,000
1793	-	-	18,310,000

The ill effect of a system of restriction and prohibition in the West Indies has been noticed already. The privileges allowed to our exports to England may be withdrawn, and prohibitory or high duties imposed. Mr. A. observed that not one of our articles is a monopoly, and noticed the effect of counter regulations on our products. He adverted particularly to pot and pearl ashes, and observed on the value of the extensive sale of that article, as it advances the clearing and settlement of our new lands; he said, the best encouragement for agriculture is a good market.

The system before us is a mischief that goes to the root of our prosperity. The merchants will suffer by the schemes and projects of a new theory. Great numbers were ruined by the convulsions

of 1775. They are an order of citizens deserving better of Government than to be involved in new confusions. It is wrong to make our trade wage war for our politics. It is now scarcely said that it is a thing to be sought for but a weapon to fight with. To gain our approbation to the system, we are told it is to be gradually established; in that case, it will be unavailing. It should be begun with in all its strength, if we think of starving the islands. Drive them suddenly and by surprise to extremity, if you would dictate terms, but they will prepare against a long-expected failure of our supplies.

Our nation will be tired of suffering loss and embarrassment for the French. The rice growers and tobacco planters of the South will be, and ought to be, soon weary of a contest which they are told is to benefit ship owners of the East. The struggle, so painful to ourselves, so ineffectual against England, will be renounced, and we shall sit down with shame and loss, with disappointed passions and aggravated complaints. War, which would then snit our feelings, would not suit our weakness. We might perhaps find some European Power willing to make war on England, and we might be permitted by a strict alliance to partake the misery and the dependence of being a subaltern in the quarrel. The happiness of this situation seems to be in view when the system before us is avowed to be the instrument of avenging our political resentments. Those who affect to dread foreign influence will do well to avoid a partnership in European jealousies and rivalships. Courting the friendship of the one, and provoking the hatred of the other, is dangerous to our real independence; for it would compel America to throw herself into the arms of the one for protection against the other. Then foreign influence, pernicious as it is, would be sought for, and though it should be shunned, it could not be resisted. The connexions of trade form ties between individuals and produce little control over Government. They are the ties of peace, and are neither corrupt nor corrupting.

In the course of his speech, Mr. A. adverted to the danger of cutting off a part of the public revenue by the operation of the proposed regulations.

He remarked upon the hostile tendency of the regulations; we have happily escaped from a state of the most imminent danger to our peace. A false step would lose all the security for its continuance which we owe at this moment to the conduct of the PRESIDENT. What is to save us from war: not our own power which inspires terror; not the gentle and forbearing spirit of the Powers of Europe at this crisis; not the weakness of England; nor her affection for this country; if we believe the assurance of gentlemen on the other side. What is it then? It is the interest of Great Britain to have America for a customer, rather than an enemy. And it is precisely that interest which gentlemen are so eager to take away, and to transfer to France. And what is stranger still, they say they rely on that operation as a means of producing peace with the Indians and Algerines. The wounds inflicted on Great Britain by our enmity,

are expected to excite her to supplicate our friendship and to appease us by soothing the animosity of our enemies.

What is to produce effects so mystical, so opposite to the nature, so much exceeding the efficacy of their pretended causes? This wonder-working paper on the table, is the weapon of terror and destruction—like the writing on Belshazzar's wall, it is to strike parliaments and nations with dismay. It is to be stronger than fleets against pirates, or than armies against Indians. After the examination it has undergone, credulity itself will laugh at these pretensions.

We pretend to expect not by the force of our restrictions, but by the mere show of our spirit, to level all the fences that have guarded for ages the monopoly of the Colony trade.

The repeal of the Navigation Act of England, which is cherished as the palladium of her safety, which time has rendered venerable and prosperity endeared to her people, is to be extorted from her fears of a weaker nation. It is not to be yielded freely, but violently torn from her; and yet the idea of a struggle to prevent indignity and loss, is considered as a chimera too ridiculous for sober refutation. She will not dare, say they, to resent it, and gentlemen have pledged themselves for the certain success of the attempt; what is treated as a phantom is vouched by fact. Her Navigation Act is known to have caused an immediate contest with the Dutch, and four desperate sea-fights ensued, in consequence, the very year of its passage. How far it is an act of aggression for a neutral nation to assist the supplies of one neighbor, and to annoy and distress another, at the crisis of a contest between the two, which strains their strength to the utmost, is a question which we might not agree in deciding. But the tendency of such unreasonable partiality, to exasperate the spirit of hostility against the intruder, cannot be doubted. The language of the French Government would not soothe this spirit.

It proposes, on the sole condition of a political connexion, to extend to us a part of their West India commerce. The coincidence of our measures with their invitations, however singular, needs no comment. Of all men, those are least consistent, who believe in the efficacy of the regulations, and yet affect to ridicule their hostile tendency. In the commercial conflict say they, we shall surely prevail, and effectually humble Great Britain. In open war we are the weaker, and shall be brought into danger, if not to ruin. It depends, therefore, according to their own reasoning, on Great Britain herself, whether she will persist in a struggle which will disgrace and weaken her, or turn it into a war which will throw the shame and ruin upon her antagonist. The topics which furnish argument to show the danger to our peace from the resolutions, are too fruitful to be exhausted. But without pursuing them further, the experience of mankind has shown that commercial rivalships, which spring from mutual efforts for monopoly, have kindled more wars and wasted the earth more than the spirit of conquest.

He hoped we should show by our vote, that we

JANUARY, 1794.]

French Emigrants from St. Domingo.

[H. or R.]

deem it better policy to feed nations than to starve them, and that we should never be so unwise as to put our good customers into a situation to be forced to make every exertion to do without us. By cherishing the arts of peace, we shall acquire, and we are actually acquiring the strength and resources for a war. Instead of seeking treaties, we ought to shun them, for the later they shall be formed, the better will be the terms—we shall have more to give and more to withhold. We have not yet taken our proper rank, nor acquired that consideration, which will not be refused us if we persist in prudent and pacific counsels, if we give time for our strength to mature itself. Though America is rising with a giant's strength, its bones are yet but cartilages. By delaying the beginning of a conflict, we insure the victory.

By voting out the resolutions, we shall show to our own citizens, and foreign nations, that our prudence has prevailed over our prejudices, that we prefer our interests to our resentments. Let us assert a genuine independence of spirit; we shall be false to our duty and feelings as Americans, if we basely descend to a servile dependence on France or Great Britain.

When Mr. AMES had concluded, the Committee rose, and had leave to sit again.

TUESDAY, January 28.

A memorial of the Delegates from the several Societies formed in different parts of the United States, for promoting the abolition of slavery, in Convention assembled, at Philadelphia, on the first instant, was presented to the House and read, praying that Congress may adopt such measures as may be the most effectual and expedient for the abolition of the slave trade. Also a memorial of the Providence Society for abolishing the slave trade, to the same effect.

Ordered, That the said memorials be referred to Mr. TRUMBULL, Mr. WARD, Mr. GILES, Mr. TALBOT, and Mr. GROVE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Philip Peckham, of Providence, in the State of Rhode Island, was presented to the House and read, praying compensation for his services in superintending the building and repairs of boats, employed by order of Major General Sullivan, for the use of the American Army, during the late war.

Ordered, That the said petition be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

FRENCH REFUGEES.

A petition of Peter Gauvain and Louis Dubourg, in behalf of the French refugees of Cape François, now at Baltimore, was presented to the House and read, praying that Congress will speedily decide on the memorial of the committee appointed by the Legislature of Maryland, to draw for, and distribute, the moneys granted by that

State for the relief of the French emigrants from the Island of St. Domingo.

Mr. MURRAY moved that it should be referred to the Committee of the Whole on the state of the Union, along with the report of the select committee upon it. He thought it would be an act of humanity to relieve the persons mentioned in the petition. And if that was improper, he thought that the next greatest act of humanity which could be done, was to relieve them from suspense.

Mr. CLARK was of opinion that the matter should be instantly taken up, as the fund for their relief expired on the 2d of February next.

Mr. HUNTER, from South Carolina, mentioned a remarkable exertion of benevolence respecting persons of this kind, which had taken place in that State. The motion was agreed to, and the House directly resolved itself into a Committee on the question.

It was then moved and seconded, that the President be authorized to pay \$10,000 of the public money for the use of the refugees, and to negotiate the payment of it, with the Ministry of France.

Mr. BOUDINOT was convinced, that, by the Constitution, the House had a right to give it in the first instance. He considered the Committee as too confined, and thought that it should have comprehended all the people of this sort in North America. Many of these people, since Winter set in, must have perished of cold and want in the streets of Philadelphia, but for the benevolence of some well-disposed people. He urged the Committee, in the most pathetic language, to extend immediate and effectual relief.

Mr. S. SMITH was confident that Congress would be repaid with thanks by the Republic of France. He said that a supply of powder and ball had been sent from one of the Southern States to St. Domingo, and that the price had been punctually and thankfully repaid. Santhonax and Pulverel had been recalled, who were the authors of all the mischief that had happened. The refugees expected to return to their settlements before the 1st of May, and they would then be very able and very willing to repay the money themselves.

Mr. SMILIE recommended the entering into a negotiation with the French Ambassador, for securing payment of what sum should be voted.

Mr. CLARK hoped that the motion would instantly pass. In a case of this kind, we were not to be tied up by the Constitution. Were Algerines cast upon the mercy of America, in such a situation, he would pay them the same tribute of humanity. The French Ambassador had restricted his services to a particular class of people. It was not the business of the House, whether the refugees at Baltimore were democrats or aristocrats. They were men; and, as such, were entitled to compassion and to relief.

Mr. S. SMITH, in reply to Mr. SMILIE, said, that Mr. Genet, when solicited on behalf of these people, made answer, that he was not authorized on the part of the Republic to give them any thing, but sent them \$2,000 from himself.

Mr. SMILIE replied that Mr. SMITH had mis-

taken him; he did not wish to seek money from Mr. Genet. But he thought it would be singular to give away so large a sum, without endeavoring to secure the approbation of the French Minister, as a step towards repayment.

Mr. DEXTER had formerly entertained scruples, but he now approved the motion.

Mr. NICHOLAS did not approve the motion in its original shape, nor did he like it better by its being now altered into a motion for authorizing the PRESIDENT to pay the money. Mr. N. expressed, in the strongest and most unequivocal language, his compassion for the sufferers; but, as he had not seen a way pointed out of relieving them, agreeably to the Constitution, he recommended a shorter one. Out of the liberal compensation which the members of that House received from the country, he thought that the sum wanted might easily be subscribed. He did not know whether the Republic would thank us for helping them; perhaps they might be accounted rebels.

Mr. FITZSIMONS proposed a second amendment of the original motion.

Mr. NICHOLAS replied: If this thing goes down at all, it should be as an act of charity, and marked in giving, that it is going beyond our power, but that, from a knowledge of the universal wish of our constituents, and a sense of our general obligations to France, we have granted the money.

Mr. SCOTT pressed for the relief in reference to the citizens of Baltimore. If they were invaded by an army, we certainly would assist them; and where is the difference, (added Mr. S.,) whether they be an army of fighters, or an army of eaters. We must relieve them, to be sure.

Mr. S. SMITH said that these distressed people were all women and children, except three old men. The boys who were old enough, had been bound apprentices. The men had been enlisted by the advice of Mr. Genet, who said the Republic wanted recruits. He had likewise obtained two ships for five hundred of the refugees who wanted to go to France. Genet was able to do nothing more for them, as the \$2,000 that he gave, were out of his own pocket. It had been alleged, that there was no precedent for relieving these people. He mentioned two: The Americans in captivity at Algiers had been assisted by the British Consul. Some years ago, the crew of an American vessel had been shipwrecked on the coast of Portugal. They were assisted with the utmost generosity by a private gentleman. In both cases, Congress thankfully repaid the money advanced. The gentleman from Virginia [Mr. NICHOLAS] had offered his salary, but the idea had not been supported, so that it went for nothing. And are we, (said Mr. S.,) to stand up here, and tell the world that we dare not perform an act of benevolence? Is this to be the style of an American Congress? The gentleman from Virginia had said that perhaps these people would be considered as traitors by the Republic. Were women and fatherless children to be regarded as traitors? Mr. S. was extremely affected, and apologized more than once to the House for the warmth with

which he spoke. He said that himself and others who had witnessed the scene of distress, were surprised; the gentleman did not feel as they did.

Mr. MADISON possessed Constitutional scruples. He thought that the gentleman from Maryland (Mr. S. SMITH) would not have injured his cause by a greater moderation of language, nor his credit for benevolence by not saying that his sympathy arose chiefly from being an eye witness.

At last, the SPEAKER proposed to the Committee an amendment, which met the ideas of the members, and the resolution passed as follows:

Resolved, That a sum not exceeding — dollars be appropriated for the support of such of the inhabitants of St. Domingo, resident within the United States, as shall be found in want of such support.

That a regular account of the moneys so expended be kept; and that the PRESIDENT OF THE UNITED STATES be requested to obtain a credit therefor, in the accounts between the French Republic and the United States.

Ordered, That a committee be appointed to bring in a bill in conformity with the foregoing resolution, and providing for the due application of the moneys aforesaid; and that Mr. AVES, Mr. TRACY, and Mr. DENT, be the said committee.

COMMERCE WITH THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. RUTHERFORD said: Perhaps too much stress has been laid on the interest of the moment, and on the temper of nations. Be that as it may, the resolutions in question are truly patriotic, as they contemplate, with other objects, placing our manufactures in an easy train of progression, and retrenching a little some branches of our present commerce, and therefore this important business seems to resolve itself into two great questions, which I shall only keep in view on this occasion.

First. Is there an excess in any branch of our commerce? Secondly. Have these States arrived at the proper period for commencing manufactures? In observing, on this great subject, I shall not proceed to minute deductions or abstruse reasonings. Much debate has already prevailed, and no doubt, from motives the most pure and patriotic, and I trust the same purity of intention will actuate me at this time.

I have, through life, been governed by a few plain maxims, and perhaps some of these may apply in the present case.

The husbandman who attends with unremitting care to his fruit trees or vines, when he discovers a branch or shoot drawing too much nourishment, he crops the luxuriant growth. And if the farmer discovers a disposition in his neighbor to divert the attention of his family from the common interest, and to pocket the fruits of their toil, he narrows the ground of future intercourse as far as possible with such neighbor.

I pay the greatest respect to the opinions of

JANUARY, 1794.]

Commerce of the United States.

[H OF R.]

gentlemen. In short, I revere their sentiments while I differ with them.

The United States are happily independent, and, as other nations, are to act a part on the great theatre of this world. And I am aware of the malignity, envy, jealousy, and all the other fell passions, so predominant with nations in general. I am also well aware that the commerce of this people is a subject which embraces present and remote consequences of the greatest importance; and I hope that I shall not incur the imputation of vanity, in saying that I am second to very few, in a tender and paternal regard for the well-being of this our common country.

All temporal things are subject to excess, and the people, by their representatives, have a right to judge when the tide, even of commerce, is verging to a dangerous and destructive channel. And shall not this great and growing country exert a timely and cautious prudence against the selfish policy of any nation? Surely, the American people may pursue such measures as appear to be for the advantage of their free citizens without incurring the resentment of any. But if, in despite of the purest intentions, and of justice and moderation, a malignant and hostile temper in any, should be the result, it is the duty of a great and generous people to meet the event with firmness, an indignified contempt, and to prepare for the worst.

I confess that I consider the genius of commerce almost as a divinity, yet I cannot expand my faith with those who contend that it may rush against and overturn all the fences of reason, and in the end regulate itself. A position to me as incongruous, as that the atoms innumerable, which float in our atmosphere, shall at last adhere, and form an intelligent being.

If circumstances in the course of our commerce are, in some measure against us, and which few deny, the longer this subtle evil prevails, the more arduous the task in removing it; habits of long standing are very obstinate. We shall be told from time to time, that the period is not yet, when American manufactures may be introduced. It is natural for man to entertain a pleasing desire to remain on his native spot, and this will be the case while the many thousands we support beyond the Atlantic can be supplied by us with materials, and fed at home. It is, in my opinion, high time to form the basis of our real independence. Some of our present commercial connexions are so far on excess, as to endanger the propagation of a spirit and opinions repugnant to the freedom and real interest of the greatness of the people, by inducing them to believe that they ought implicitly to concur with those who advocate commerce, though in excess, be their motives what they may. It is visionary to hope that all the agricultural productions of this extensive Continent can always find a market at the islands in the Atlantic, and those sterile tracts of Europe which now receive them. It would afford me much real pleasure if such were the case—fond as I am of agriculture, and anxiously engaged for the prosperity of all who are prosecuting that very necessary and life-sustaining occupation.

Lack of bread, or other articles which compose our supplies, will at all times bring forward purchasers. No ship navigates the ocean to serve United America. It is interest that stimulates the mariner.

The Eastern States are competent to several branches of manufacture, and to the production of wool, flax, &c. Their habits of economy, patience, and industry, are entitled to great praise. I consider them as very respectable branches of the Union, while I admire that spirit of enterprise conspicuous in their brave citizens. But if their scene of action should be a little circumscribed, they can be usefully employed at their peaceful homes, in the enjoyment of every domestic comfort.

The Middle States are productive of iron and other things necessary, and are prosecuting some manufactures with effect. They have from the first been engaged in manufactures. Pennsylvania, I well remember, has long attended to manufactures, and to the comfort of her artificers, which has conduced to the present opulence and real independence of her citizens. My recollection takes in the first manly growth of this State: look to it now. Behold what the majesty of the people is acting and doing for the common weal! Then why hesitate, and thus timidly look to others for what is here attainable?

The Southern States produce cotton and other necessary articles, and are susceptible of great improvement in manufactures, as great numbers of a certain description that are for the most part idle, may be usefully and advantageously employed.

One State on the Southwestern frontier can supply all nations with hemp, and it might perhaps be of public utility to encourage the growth of this valuable article, as well as some particular branch of manufacture.

Why should the American citizens, possessed of the most fertile and extensive Continent, wish to act like those confined within very narrow limits? Let us cast our eyes to one of those great commercial nations. View their preposterous naval armaments. Are not their subjects oppressed and bowed down with taxes? But can this oppressive burden secure them against an enormous and fast increasing public debt? No; nor against perpetual conflicts, and the most violent discord with other nations.

Shall the great body of American citizens place all their hopes on the turbulent seas?—bid adieu to every endearing connexion, explore every sea and dangerous coast on the globe—for what? I bow to such intrepidity—such a spirit of enterprise. But what says reason? Stay at home, my sons, and comfort those with whom you are endearingly connected.

The great art of Government is, to support in comfort the greatest numbers: and therefore, the Government of China is considered by many as a very good one, their numbers being exceedingly great: These people are zealously attached to the soil of their widely extended country. The natives of China are not seen in every part of the habitable earth, nor on the remotest seas. Upon

the whole, it is with me conclusive, that there may be dangerous excess even in some commercial transactions; and that to cherish manufactures, as far as reason and the state of things dictate, is politically and absolutely necessary.

Mr. FORREST rose merely to solicit that the question might be put, as enough had been said on both sides of it.

Mr. MURRAY said, he should feel himself admonished, by the lateness of this period of the debate, and call of the question from his colleague, to shorten the remarks which he intended to offer against the resolutions, nor would he now presume on the indulgence of the Committee, after so much had been said, did he not hold it to be the duty of a Representative to use every exertion, either to obtain a good, or to avert an evil. He would endeavor to avoid tiring the Committee with a repetition of what had been so ably stated by those with whom he thought, and would leave the clear and comprehensive statement of the relative situation of our trade towards Great Britain, France, and other Powers, to that good sense in the Committee, which would find ample consolation in the comparison. As his own prejudices, which he confessed were heretofore fostered by a defect of commercial knowledge, had yielded to the lights which his own examination, and that of others, had thrown on this question, he entertained a hope that others, similarly situated, would candidly and impartially view a subject, which demanded a dismissal of prejudice and passion, and which ought to be tried upon a commercial principle, which was a computing and a comparing one.

He had early, and for a long time, taken up ideas without much examination, that the American commerce suffered from illiberal restrictions, and declared that, when the gentleman from Virginia first suggested his intentions, the outlines, which he so ably drew, met his strongest prepossessions. If anything from that gentleman, then, gave an inauspicious air to the measure he proposed, it was the eagerness with which he urged for an early and hasty discussion of those resolutions, which no member could look at, after all that had been said, without perceiving that they related to the best and largest interests of this country: interests which required diligence and much reflection to comprehend, and which all the passions and all the feelings could by no means do justice to in the estimate. They were interests that required great coolness to discern, and to measure properly. They had resulted from practice and the nature of our situation, and they ought to be treated with respect, and innovated on with caution. The restrictions contemplated a great change of commercial arrangements, bottomed both on presumed commercial injuries, sustained under its present regulations, and on political views, which long standing, and recent evils, had brought into notice.

He could not agree, that the commercial arrangements, at present existing, were the best that could possibly exist; nor was he insensible to the political evils we had endured, but he doubted how

far these resolutions were formed to remedy the first, or to remove the last.

He believed the commercial situation of this country, relatively considered, towards the Powers of Europe, was now pretty well understood to be indebted more to interest than to partiality in any of the Powers.

That it was flourishing, when considered independently of the present war, from which nothing certain could be concluded, he had no doubt.

With respect to the comparative estimate of the restrictions and privileges imposed or granted by those Powers, or by the United States, he should trust the efficacy of the information on that part of the question, to the recollection of the Committee, and would confine himself to a few points which he believed had been but lightly touched on by others. He would endeavor to offer some remarks that he thought palliated some of the evils complained of as grounds of change; and confine his views to a few heads of complaint. It was said our commerce was shackled by the British, and by the influence of habit; that our tonnage was unequal to our exports; that arrangements might be made with other nations, who would give us a greater latitude and more liberal terms. He denied that the commerce of the United States was shackled or confined, or that it was restricted unnaturally by old Colonial habits. The report of the actual tonnage of the United States showed us a foreign commerce, employing 289,294 tons. Any man who was acquainted with the real state of this subject would naturally have concluded, from the declarations of gentlemen, that, so inveterately were our old Colonial habits formed, and so miserably was our commerce confined, this large amount of tonnage must have been concentrated in the ports of Britain or her Colonies.

The reverse was the truth, and, in support of this idea, he would refer to the report. This report shows that our ships visit every part of the world; that there is no place to which American enterprises does not convey our various products. It is a chart of our maritime genius, extremely exhilarating to our pride, and affords the strongest argument against the assertion. It goes beyond controversy; it is a contradiction which can be understood by any man who can read. There is no resisting its force, when adduced to prove, that so far is our commerce from being confined, that the most distant ports and oceans in Russia and China, and the Pacific, are its only boundaries. It completely illustrates the practical, as well as theoretical, independence of American commerce; for, of the whole amount of the tonnage employed abroad, but sixty-two thousand some odd hundreds, go to Britain and its dependencies; there are two hundred and twenty-seven thousand tons of this total employed among other nations; and Britain, which formerly monopolized, indeed, our commerce, has now a little more than one-fifth of the navigation of the United States in her ports. It is true that three-fourths of the imports are from thence, and that our export to her is not equal to this import; but that deficiency is paid circuitously and to advantage,

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

by bills; for, as the trade is free to leave her, as the merchants, actuated by interest, would buy as cheap as possible, we are fairly to conclude, that they sell some of our raw materials and products to more advantage in other ports than hers, but yet purchase in her's cheaper; so, the commerce must be a beneficial one, or they would naturally forsake it. That our exports are greater to Portugal, Spain, and the United Provinces, than our imports from thence, is a proof that they give good prices for our products; but from want of assortments, or from their manufactures not being as saleable here, or as cheap as those from Britain, our merchants make up by bills from those places on London, to supply the deficiency of the export to that port. With respect to predilection for Britain, introduced as a ground of consumption, he did not believe it existed; certain he was, he felt it not himself. He could see nothing in the mere exercise of taste, in the consumption of manufactures, or preference of what was well manufactured and cheap, that was connected with the theory of political sentiment. In this country, no such predilection for that nation existed; on the contrary, he believed the most substantial interests of commerce were now at hazard, from the very prejudices which were used by gentlemen sometimes to prove the very reverse. As to the perfect freedom of trade, and that *universal treaty*, of which the gentleman from Virginia [Mr. GILES] gave us a hint, *but no outline*, the other day, he questioned much if the accidental variance among nations, on which substantial differences had been moulded by habits, rendered the thing possible, and were it possible, whether all young countries that were not on even terms of manufacture, and ready for a competition of ingenuity, would not suffer extremely by the institution; he was sure this would. The idea was a benevolent one, but it was not one that could bear practice. On all questions in which great and complicated interests were under speculation, when habit, and modes of life and taste, and an immemorial course of things were to be considered, he always wished to see much respect paid to the past as well as the existing order of such things, as long as the result of the whole seemed to be a great and certain share of national prosperity. It was, Mr. MURRAY observed, a difficult and hazardous thing to attempt to define with precision the particular cause of prosperity; it led to political quackery. We know, however, with certainty, that never did a country so rapidly move forward to perfection as do the United States—that our navigation has increased since the adoption of this Government, in proportion to other branches of trade, and that our commerce is both useful and ornamental, and the instrument of a revenue essential to the payment of a debt that we must discharge.

He said the complaint of gentlemen who supported the resolutions, *that our tonnage was inadequate to our exports*, was in his mind an inconsiderate and fallacious species of regret. It might be a desirable thing were our tonnage equal to our exports, but even this would be a good or an evil, as it might be connected, or not, with ob-

jects over which we had no certain control. He would remark, that such a state of navigation, at present, assumed two things as its basis—a great and manifest disproportion between all the branches of industry dependent on ship-building and navigation, and the other trade; and our power of becoming carriers for other nations, which would not be the case if maritime powers acted with their accustomed vigilance. Unless the last employment were provided for by the regulations of foreign Powers in favor of our ships, the first would be a serious evil. He thought it a safe proposition to which nothing but wild and crude speculation could be opposed, to say, that, as long as our right to be the carriers of other nations was not submitted to by them, the power to export all the raw materials of this country and its products would be an evil. This regret of gentlemen, he believed, to be founded on a comparison of this branch of trade here and in other maritime countries, as Holland, England, and some others. A little reflection would, he believed, afford consolation, by showing that their comparative superiority in the carrying business resulted from a solid difference in the situation of these countries, and of the United States; nay, that this very superiority is the result of necessity more than choice; a necessity which the free and happy citizens of this rich and abundant country did not feel, and which they would not feel for ages. The carrying trade of this country will never be equal to its exports, till the population of America bears a nearer proportion to the lands and the raw materials; till each branch of industry is proportionably supplied with labor; or the foreign Powers admit our carrying trade to a fair competition with their own. It is true, that we abound in articles of immense importance to the European artist, but they are so extremely bulky and heavy, that it is clear our exports require more than double the quantity of tonnage that the imports demand. The exports are, tobacco, rice, grain of all sorts, lumber, pot and pearl ash, and such heavy and bulky products; whereas, the imports are manufactures, small in bulk, high finished, light, portable, and of great value, for the space and tonnage they require in transportation. The proportion between them both is of value, and not of size. The first and great tendency of all things here, is towards agriculture and the rougher arts, as lumber-getting, which belongs to agriculture; the other arts and pursuits are but auxiliary to this main body of the national calling. This disposition and tendency will be for ever keeping up the ability to furnish the raw and bulky article of export, while it irresistibly disfurnishes the shipyard and its dependent arts of that industry which would be necessary to complete the power of affording domestic tonnage equal to the export; that is, we can afford more labor in the procuring of the export, than we can spare to the arts of ship-building and navigation. These pursuits that belong to agriculture and a settled life, are more congenial with our country, where freedom and plenty invite to marriage, the rearing of families, and the acquisition of lands. At present, he believed

the seamen engaged in the foreign American tonnage, to say nothing of the coasting trade and fisheries, which doubled the amount, were more than in proportion to the citizens employed in the mechanic and manufacturing trade, making the relative proportions between them and England, the standard to judge by.

The tonnage rapidly increased every year; and he took it for granted, would observe a due proportion under its present great encouragement, which amounted just to an easy protection to stimulate industry, and secure cheap imports, without giving a rash monopoly to that branch of business—and here, he would remark, that under the existing regulation, the very best consequence flowed in on the consumer. By the additional duty of ten per cent. on goods imported in foreign bottoms, and the addition of forty-four cents per ton, we secured the importation of foreign goods to American tonnage, and by this means bought cheap; and, by leaving your ports free to foreign vessels, under an easy tonnage duty, there is a competition kept up in the domestic market for those exports, for which the foreign tonnage comes into your harbor. Thus, already, we buy cheap and sell dear at home. The competition that arises in our markets, in consequence of foreign ships becoming carriers of the surplus over that to which our own tonnage is equal, certainly raised the price of all things exportable; and a sudden and violent check in this order of things would vitally affect the agricultural, the lumber, the tobacco, and all the more bulky objects of exportation.

It appeared, then, to him, that the anticipation of effects from the resolutions, on the point of disproportion between our exports and tonnage, was calculated on a growth of navigation forced, unnatural, and pernicious; a growth that would call off from other employments the labor which is better bestowed as it now is, in increasing our ability to furnish, by enlarging the powers of agriculture.

A sudden alteration which would, for a considerable time check that competition between the foreign carrier and our own, for our products, would surely do mischief; nor could he see into what line of employment, except the mere carrying of our exports, would so immense an addition to our navigation be led; for, unless foreign Powers permit its participation in that branch of trade which, from local consideration, has ever been deemed so precious to them, the tonnage that conveys the exports, over and above that quantity of it necessary to the imports, must return in ballast; that is, if the export requires six hundred thousand tons, and the imports but three hundred thousand, there will be the half of our tonnage employed abroad, either in voyages that will but little benefit our country, which wants internal labor more than foreign enterprise, at least of so useless a kind, or it will return in ballast.

But, even admitting its policy, he had no evidence of the only thing, which, combined with the idea of a navy, could render the object attainable, he meant the relaxation of the great navigation systems in Europe, which secured to their own

ships, advantages, in which participation was contemplated. In the two great scenes, France and Great Britain, to which American habits and course of business would most probably lead, and from whence the manufactures were to be imported, the American carrier would find himself, after unloading his export, under restrictions which would force him to seek distant and circuitous trading voyages, or return home in ballast. In both these countries, he would find his enterprise checked by their respective Navigation Acts—for Monsieur Barre has reported a Navigation Act; it has been adopted by the Convention; and, as far as it respects the carrying trade, precludes us, except merely for our own productions. The artificial progress of things in France in manufactures, her political rivalries, and her Colonial relations, one would have supposed, would long since have pointed out such an imitation of the English act. The English act seemed dictated by necessity arising from causes, which, somewhat resembling those of France, find little analogy in the present circumstances of this country.

When imitation is pointed out to us as a piece of policy, it is a duty to view our actual situation to discover similitude of principle and causes; and to estimate the importance of differences between national qualities here and in countries of whose practice and systems an imitation is proposed. If the situations, times, and causes are similar, there will be plausible ground. If other causes of national prosperity, more eligible than those of other countries, present themselves to our view, we ought to be cautious, certain, and slow to decide. Very remarkable differences are palpable here from the circumstances that seemed to him to have forced the carrying powers of Europe to be such. It was important to view them, for political contentment would result from a comparison in which we found our difference.

In no country, that Mr. MURRAY recollected, did the history of the carrying trade show us a people overflowing with raw materials and natural wealth, inhabiting a new, extensive, fertile soil, who became great carriers.

If we examine the causes that made Venice and Genoa, and other free States of Italy, the carriers for the West of Europe, through the Straits of Gibraltar, to all the States that were rich enough to purchase, or refined enough to enjoy the luxuries of Asia and the Mediterranean, we find them small, with no extent of fertility or soil; and with a population overflowing, and disproportioned to the land, labor, or its produce. The Hanse-Towns, the Dutch and the English, with a few shades of difference, were similarly situated when they became the successors to these Republics in the carrying trade.

Had all of them abounded in those bulky raw materials which arise from a soil like ours, with sparse population, with a greater disparity between labor and its objects, they never would have been the great carrying nations they were. We should have seen something like that equipoise of employment which the genius of our own country leads to; and agriculture at least disputing the

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

pre-eminence with navigation, which in our country is but her handmaid.

We have, indeed, seen similar habits and systems. The insular position of Great Britain, her neighborhood and hostile rivalry with the Dutch, who preceded her in arts and in navigation, pointed out the Navigation Act to the Parliament, in 1651, as an instrument of resentment—and it seemed naturally to arise from her national qualities.

But it is observable and important, in considering the cause which rendered that act advisable, that, notwithstanding her insular situation and her fullness of inhabitants, there was wanting for half a century that co-operation of causes which occurred to give it all the efficacy it has been attended with since.

The proportion of British and foreign shipping was but little in favor of England till eleven years after the peace of Ryswick; at which period, in 1697, the British tonnage was 144,000, and the foreign tonnage 100,000. The causes that then began forcibly to operate in favor of the British, eleven years after, when the British tonnage was 240,000, and foreign but 45,000, were as irresistible as to that effect as they are remote, and fortunately so, from this country. A union with Scotland had taken place, and increased her exports; the manufactures of the country had received great comparative improvements; the American fisheries began to improve; Jamaica, which is immensely important to her, and a Kingdom in itself, became a considerable object; but, above all, these independent States, who were then very growing Colonies, became felt in the scale of national interest, and poured their bulky materials into her lap. Without a Colonial system, she would not have felt the benefit of her Navigation Act.

With a Colonial system, she, and other countries possessed of Colonies, have inducements and employment for a disproportion of navigation that this country is without, and needs not in her present progressive state of all things. And yet the gentleman's system looks to a Navigation Act, at a time when all is convulsion without, and where none, or very few of the causes that have led to such a scheme in other countries, are visible in our internal affairs. For, if we look into our local situation, we find a most extensive and fertile country, sparingly inhabited, and abounding in natural wealth. If we look at the English, we find contracted territory, redundancy of population, few or no raw materials, and scarcity of the necessities of life, with large capitals, and the greatest exertion of ingenuity in manufactures.

Importation of manufactures has been our practice, and seems, under the present degree, protection given to those which are adapted to our immediate attempts to be our interest. We import no raw materials scarcely, nor grain, nor necessities. They, on the contrary, import almost every thing, and manufacture every thing. In short, our situation is completely a contrast to theirs, and it is a contrast infinitely to our credit and comfort. It had led his mind to a full conviction

that all our powers would gradually ameliorate together; and if left, as they have hitherto been, more to the exertions of an enterprising spirit and freedom, than rigidly directed by speculation and theory, they would, in the fulness and seasonableness of time, accomplish the extent and grandeur of design which nature seems to have destined as the social and political character of this country.

He was willing, therefore, to trust as much as possible to the operation of those causes which, whatever they were, had hitherto, under a fortunate neglect, produced effects and a prosperous train of things, which perhaps human contrivance and speculative wisdom had never attained for us. Had they meddled more than they have, they might, from the pernicious force of imitation applied to a scene which had not its like upon the globe, have thwarted that course of things which nature pointed out, and which has been successfully pursued. He could not, therefore, feel the force of a system that certainly meant to tamper with a condition in which, a very few things excepted, he felt satisfied and grateful. He had dwelt the longest on the fitness of a Navigation Act to the present circumstances of this country, as most of the arguments of those from whom he differed in opinion were drawn from the propriety of adopting something extremely like one.

But even taking it for granted, which cannot be admitted, that these resolutions afford, on general principles, a well-founded hope of relief from commercial and navigation restraints, he had no hesitation in saying that the present is the very worst time to try the solidity of the policy. It was bad, as it related to the chance of a war; and there was reason to fear that no nation would at this moment hold out great commercial temptations, except as a condition of joining in the war. It was bad, as it related to a commercial contest with other commercial nations; for where was the nation on whom we could rely under such a derangement of our trade as this system designs?

An alteration so great, in navigation, habits, employment of capital, and all sorts of commercial views, had been more reasonable and more practicable, if a clear necessity for such sacrifices could be shown; or if, in yielding to the force of a justly excited resentment against the British for insults offered to our flag, the gentleman had given us reason to believe that the sources of negotiation had been first exhausted; but there still remains a hope that negotiation and reflection might remedy evils which neither had been able to prevent.

At all events, the meditated change involved interests to our industry not to be hazarded on mere commercial theory, unsupported by the very last necessity. It was to be expected that any man who should make an attempt so serious as the present, would have come forward, with a statement of advantages to be derived from the change, so great and so certain as to warrant some hazard in the experiment. That, where he meant to change the stream of commerce and industry from its present bed, and exclude supplies of manufactures from one country, he would have pointed out another channel for its current, and have told

H. of R.]

Commerce of the United States.

[JANUARY, 1794.]

us precisely the very nation from whose ports the new supplies of manufactures were to be substituted, and on what terms.

The gentleman who meditated this thorough change, ought to have had at least the outline of fresh treaties in his hand, for the old were worth nothing; he might thus have shown us the only ground of expectation that a nation ought to calculate on—a view of the interests of such nation with which an accommodation of our own might be moulded into treaty. But no such thing was either conceived or done; indeed, it was impracticable at the present time, and his measures ought to have waited for a proper time, had they been in other respects adapted to our policy and interests.

But even allowing times, and the settled state of things abroad, to have been at this moment such as to permit this measurement of the sober interests of all, it would not be useless to inquire shortly into the probable ground of treating, supposing a treaty for instance with France to be undertaken in the spirit of those resolutions. He would not indulge any of those romantic expectations which some seem to place in the affection of that, or any other nation on earth. He would look steadily at her interests, in order to form an opinion of what she would do, and he would measure her interests by her own scale—the opinions she had ever entertained since she became a great maritime Power. Ever since the days of Colbert, France has looked on her West Indies as the support of her maritime greatness. A jealousy, equal to that of any other country, had always appeared in her Colonial system; and a spirit of monopoly, which her interests as a maritime Power, to use the term, seemed to inspire.

The Republic, by their Navigation Act, seem determined to adhere to the Colonial system; or, if they at all relax, it is but a temporary yielding to transient necessity, rather than a principle of change, introduced by either a revolution of Government, or real and lasting alterations of their interests. Their interests would be the same now as heretofore, and that they meant to have a powerful marine was evident from their Navigation Act.

He did not believe they would let us into their West India trade freely, except under circumstances like the present, which operated on all alike. They never did permit a free export from their Islands but to the Mother Country, and thence circuitously to others; by these means, they were secure both of the carriage and a cheap supply. Were a treaty now offered, giving a free trade to those Islands, we would think it hazardous to discriminate in their favor on that account. We should be suspicious of an offer that stood on a sacrifice of their own interests, and would not calculate on the permanency of provisions, which the necessities of war and disorder produced, but which never would long survive those necessities, which peace would remove. But there was no such offer; nor was now the time to digest such a business as a treaty, if this were an offer really made.

He would not, then, fancifully indulge himself or his constituents in hopes which a view of the interests of France showed him to be fallacious, and he would not in so serious a question suppose that they, more than we, would act steadily on any other principle than interest; it was the only immortal principle in the intercourse of nations; it may vary its shape and modification, but never its nature; and it is the most useful, as it contains a perpetual stimulus to honest emulation.

Had a detail been entered into by gentlemen on the other side, of those provisions which we should rightfully expect of any Power, in whose favor discrimination was intended, our judgments would have had some employment on fixed and certain objects; we might, from a correct view of the benefits and temptation presented, have estimated with some precision, though not with perfect accuracy, the value of that gain which such a commutation promised, but at present we were in the dark, and foresaw nothing with certainty; commerce was to be let loose to be blown to any quarter of the world, but its certain direction was not to be counted upon, and could not be foreseen.

It was impossible, he observed, to calculate the extent of the good and the evil; but we were certain that there was not a nation in the world ready and prepared at present either to receive our advances, or to supply us with manufactures, if these resolutions succeeded. The only country to which we could look as a substitute to the British market, is at present in a state so convulsed, and in such a paroxysm of affairs, that from thence we had nothing to expect, nor did he think that a treaty, of which he had heard some intimation, with that country of justice and reciprocity would suit the United States. Mr. MURRAY much questioned whether any treaty with the Powers of Europe on perfect reciprocity, for instance with mutual duties of say five per cent. on imports, would suit our situation. Such a one would suit those nations only in which manufactures had obtained considerable perfection, but would be the ruin of our infant manufactures, which we must and ought occasionally to protect, by duties varied according to their progression, and the probability of the supply from them proving adequate to our demands.

The effects of these resolutions on our internal affairs immediately, would prove that they were pernicious and a real tax without a well-founded reason. They would immediately be perceived in a diminution of our revenue, in their operation on the value and price of goods, and in the reduction of the value of our produce and raw materials. The last would be affected from the discouragement of foreign shipping. The first, from the inability to bring in foreign manufactures, from which a duty could be raised, because the line of trade and correspondence being altered, it was impossible to say when or where the importing merchant would be able to form new connexions abroad, which were not things of a day or a year, but required much time and mutual confidence to mature.

The value of goods would immediately rise, and

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

the merchant, every where actuated by the same principle, interest, which ought to guide us here, would benefit by the monopoly of goods to the injury of the farmer.

The moment these resolutions pass, said Mr. MURRAY, there is not a shop or a store in Philadelphia in which every imported article will not rise in price fifteen per cent., while our own produce will probably fall. But a gentleman from Virginia [Mr. NICOLAS] wishes to see retrenchment; he confessed he saw no reason for violent self-denial. There was no society, he believed, in the world that could so well afford to live well, and taste of every rational and refined enjoyment, as the citizens of this free and happy country. The universal prosperity which this very commerce, which is designed to be destroyed, diffuses throughout America, justifies enjoyment. Very natural would it be for the farmer to inquire the causes of this sudden rise in the price against him. He would be told that the British had insulted our flag, and therefore our system of self-denial. Could it be answered that we had exhausted all the gentle means of negotiation? or could any man lay his finger on any country, in a map, and say we have a certainty that from this country we shall not only have supplies of goods, but sure and high prices for our country produce? This could not be said. Were there such a country now prepared and ready to substitute for our present connexions, he said he would feel more justified in voting for this change, for he, like every other American, had severely felt the indignities offered to our flag and posts by the British.

But, said Mr. MURRAY, it has been more than intimated, even in this House, that our country had pursued a pusillanimous conduct and stood in a humiliating point of view. He denied it. No country on earth stood, he believed, in a more exalted station among the nations, nor better supported the character of a spirited people. Could any nation be charged with pusillanimity that had declared such a neutrality as this country did last Spring? At a time when all the great and formidable Powers in Europe, combining every engine of immense force and despotism against the French, were hovering round her borders, and seemed determined to crush her; at a time when she had not one ally on earth, and no nation received her Ministers, the United States dared to maintain a treaty, that looked the proudest nations in the face? They dared to be just, and there was a magnanimity in venturing so far in such times, and on so hazardous stipulations, that not only rescued them from every charge of humiliation, but, in his opinion, added to the glory of the country. No, this country was not humbled. Like a young man of virtuous mind, and of fortitude, just setting out into life and business, she comports herself among the nations with dignified reserve, with amiable and innocent manners; she complies with her engagements though imminent danger overhang the performance, and bravely trusts the consequences to Providence.

Mr. M. concluded with observing, that the state of the debate presented no temptation to discus-

sion, as all the points of relative privileges and restrictions, and the items of trade, had been ably and often stated. He had concluded, that as our trade does not at present (putting the disturbances of war out of the question) suffer from many restrictions which, when unacquainted with the subject, he thought did exist; as some of the existing restrictions against us belonged to systems over which we had no certain control, and which it did not suit us to imitate strictly; as the resolutions contemplated a change without affording a substitute in any degree, much less to more advantage; and as negotiation was not yet at an end, from which he hoped for some redress; as peace was his very first object, and, he believed, that of his constituents, and as those resolutions might go to disturb it, and did not appear to him supported by a certainty of advantage, though followed by great present and certain mischiefs, he should vote against them.

Mr. M. having concluded his speech, the Committee rose, and had leave to sit again.

WEDNESDAY, January 29.

The House again resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Committee rose and reported progress.

COMMERCE OF THE UNITED STATES.

The House then resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States:

Mr. MADISON said, that most of the objections against the proposed resolutions had been made by those who meant to combat them, and that a question would soon be called for; it might, perhaps, be expected that he should review those objections, and assign the reasons which induced him to continue in the opinion he at first entertained. He wished it not to be understood that he meant to examine every particular argument which, in the course of so extensive a discussion, had been opposed to the measure. The Committee must have perceived that some of them had been of a nature not to merit an answer, and that others had sufficiently answered themselves. He should extend his observations to such topics only as might be thought to need explanation, and to have an influence on the question.

Previous, however, to this general survey of the ground which had been traveled over, he should so far presume on the patience of the Committee as to recur to the original opposition made by the member from South Carolina, [Mr. SUMTER,] and to take notice of some particulars, in what had been urged by him, which were left unanswered at the time.

The gentleman had thought proper to introduce his discourse with a very unmerited attack on the late Secretary of State, and to mingle with it a variety of criticisms on the facts and opinions stated in his report on the subject under consider-

ation. The spirit and manner in which the attack had been made, and which could not have escaped the attention of the Committee, would be left in that silence which may best express the sentiment they must have inspired. He should, indeed, have thought it less necessary to take further notice than he had already done of the matter of the gentleman's remarks, if attempts had not been made, particularly by a friend of the gentleman, [Mr. AMES,] to give a weight to his statements and inferences which it would be shown they did not merit; and if the task did not afford an opportunity of elucidating some particular points relied on by the opponents of the resolutions.

It was made a charge against the Secretary of State, that he takes no notice of the *higher* duty imposed by Great Britain on other foreign tobacco than is imposed on American, (the former being 8s. 6d. sterling a pound, the latter 1s. 3d.,) whilst he takes care to mention the *high* duty imposed on the American; although the discrimination is in favor of the United States, and is against Portugal, a country in particular connexion with Great Britain; and although the high duty of 1s. 3d. is immaterial to the United States, being paid by the consumer of the tobacco in Great Britain.

It was unfortunate for the gentleman, that this charge is fallacious, in every member of it:

1. The discrimination is not in favor of the United States, either in its intention or in its operation; not in its intention, because it was made in reference to this country when it was a part of the British Empire, and not in reference to us as independent States; not in its operation, because, if the discrimination were abolished, it would bring no rival of our tobacco into the British market. This is proved by the fact that in other markets, as that of France, where no such discrimination exists, the American tobacco is without a rival. It was well known that this and the other apparent favors to this country were a remnant of the old Colonial Code, which, having become a dead letter on the Statute Book, had not yet been struck out of it.

2. If the discrimination had no effect in favor of the United States, it could not, for the same reason, be a prejudice to Portugal. If it were necessary and proper to go into the inquiry, more direct proofs could be given on this point.

3. High duties do affect the United States, which produce the article, though paid by the British consumers. They have a double effect; they lessen the quantity called for; and, by lessening the competition, they lessen also the price. This was a truth that could need no comment.

It was to be remarked, however, that the zeal of the gentleman on this subject was such, that it had led him to extend the fallacy of his reasoning to rice, the staple article of his own State. This article pays a duty of 7s. 4d. sterling per hundred weight; but, like the duty on tobacco, being paid by the consumer, was said to be of little concern to us.

Call the price of rice 10s. sterling, the duty is 7s. 4d. The whole class of people, then, in Great Britain, between the class who cannot afford to

eat rice at the price of 10s., and the class who are willing to eat it at 17s. 4d., are prohibited the consumption by the duty. Was this a circumstance of no concern to the rice planters? The gentleman should have been reminded of his error by his own arguments.

As an apology for the duty imposed in Great Britain, he tells us it was meant to prevent the use of rice as a *substitute* for the bread-stuffs produced by Great Britain herself. Without the preventing duty, then, rice would have been *substituted* in place of wheat, in the opinion of the British Parliament, and the demand for it in the British market so far increased.

As a merit in the British West India regulations over those of France, it was stated by the gentleman that rice in the West Indies is a common food; that, in the British, the importation of it is free; in the French, subject to a duty, though an inconsiderable one. In Britain, then, where there is a high duty, rice is not an article of common food; in the Islands, where there is no duty, it is a common food; and the advantage of the British West India market to us over the French is, that the duty in the latter favors *cheaper substitutes*.

Another proof of the disposition of Great Britain to favor the United States in the West India market, is the prohibition of all foreign rice but the American. The same remark may be repeated here, which was applied to the discrimination in favor of our tobacco. It is an old Colony regulation that has no effect whatever. What other foreign rice could be brought to the West Indies? Is it the East India rice? That is prohibited by its distance. Is it the rice of Portugal? That is prohibited by the laws of Portugal, and probably also by the lower price of the Carolina rice.

The inference which the gentleman had drawn from the comparative regulations of Great Britain and France, on the subject of rice, was so curious that it was worth a moment's attention.

The facts, Mr. MADISON observed, stood thus: In France, the duty is $\frac{1}{2}$ per cent. In Great Britain, 7s. 4d. sterling a hundred. In the French islands, the duty is 1 per cent. In the British, free, with a prohibition of other foreign rice.

As the duty of 1 per cent. is scarcely sensible, and the prohibition, as shown, is merely nominal, the inequality in the islands may be regarded as too immaterial to affect the comparison.

Passing to the two parent States, the duty in France is $\frac{1}{2}$ per cent.; the duty in Great Britain, 50 or 60 per cent.

Here, then, is nearly an equality in one part, and a difference of 50 or 60 per cent. in the other part, of the two Dominions; and yet the gentleman could say it was not easy to pronounce whether the article of rice stands on a better footing in the system of the one than in the system of the other.

Another charge against the Secretary of State is, that his Report calls the discriminating duties in Great Britain in favor of American wood small, whereas they are considerable, and in several instances high.

JANUARY, 1794.]

Commerce of the United States.

[II. OF R.]

Mr. MADISON said, he had not found leisure to trace this branch of our exports into all the details necessary to decide in what degree the duties were small or considerable, and in what proportion the several dutied articles went to Great Britain. He observed, in general, that the greater part of our woods were exported to the West Indies, not to Great Britain; that in the ship-woods, at least, the Baltic nations were not rivals to the United States. It was known that Sweden and Denmark were so deficient in oak that their public navies were supplied from Germany, and that the ship timbers of Russia were transported a thousand or twelve hundred miles from her interior Dominions. The fir, of which the Swedish and Danish merchant ships were built, does not last more than seven or eight years, and could not, therefore, be a rival to the durable woods of the United States.

He observed, also, that lumber, and particularly the ship-woods of the country, were so precious, and so sure of being in demand, that they never could fear a rival or need a foreign bounty. This was an article very different from such as were an annual product of the earth, and as could be raised wherever the climate and soil permitted, according to the occasional demand. The forests that were to supply the ship yards were the growth of centuries; and where once destroyed, as they generally are in Europe, are rarely replaced at all, and never can become the rival to America, which enjoys them as the spontaneous gift of nature.

To enhance the merit of the British regulations, the gentleman had told us that wood was subject to a duty of 1 per cent. in the French Islands, and in the British free, with a prohibition of other foreign wood. This was of little consequence. The duty was a trifle, and, falling on a necessary article, to be got no where else, probably was paid by the French Islanders. And the prohibition was ideal, the American wood being the only resource for the British market.

The article of fish was admitted by the gentleman himself to be more favored by the French than the British system, though he admits it with reluctance, and diminishes the difference as much as possible. The case, however, is so clear, and the facts so palpable, that they speak for themselves. Under the French regulations, this important article of our commerce is subject to duties only in Europe and the West Indies. Under the British, it is under prohibition in both. The amount of the whole export is 382,237 quintals of dry, and 57,424 barrels of pickled fish. Of this, the French consumption is 252,171 quintals, and 45,164 barrels; that is, nearly two-thirds of the dry and four-fifths of the pickled fish.

Here Mr. MADISON, proceeding to the subject of whale oil, called the attention of the Committee particularly to the representation and language of Mr. SMITH as to the conduct of France, in inviting the fishermen of Nantucket to remove and settle at Dunkirk. Mr. SMITH, he said, had not only undervalued the monopoly of the French market granted to the United States, but had, by a mutilated quotation of a Report of the Secretary of State on the fisheries, changed the true aspect of

the attempt to draw away the Nantucket fishermen. The fact was, that although the conduct of France was very different from what was to have been wished, as well as from what was contemplated by the Marquis LAFAYETTE, who had patronised the interest of the fishermen, yet that the project of tempting them to emigrate had originated in Great Britain, and was a counter project on the part of France. How the gentleman happened to omit the antecedent attempt of Great Britain, and thereby exaggerate that of France, Mr. MADISON did not undertake to explain; but it was the more extraordinary, as the whole account of the transaction was contained in the same page of the Report, nay, in the same paragraph, from which the gentleman had extracted his information.

Here he read the passage in that Report, and produced the British statute, inviting the whale fishermen, by an offer of certain privileges, to emigrate to Great Britain.

A further charge against the Secretary of State is, that in his statement of the tonnage of the United States employed in the trade with the French and British Dominions, he founds it, not on the actual number of ships, but on the actual number of entries. This charge was as singular as it was uncandid.

The Report stated the fact that the American tonnage entering our ports from the several nations with which the United States traded, was so and so; and in this statement it pursued the official returns made on the subject. What more was to be required?

In giving the fact, the Secretary imposed on no one, because he stated the tonnage to be entry tonnage, as it really was.

He followed the best guide that existed—an official return from the proper offices.

No return of the actual tonnage, as distinguished from the entry tonnage, had at the time ever been made from any office or called for by any act of Congress.

The first return ever made in the latter form, was called for since the resolutions on the table were proposed.

These considerations might have restrained the gentleman from this unwarranted attack on the accuracy of the Report.

But he ought at least to have been sure that, whilst he was charging the Secretary with following an erroneous guide, he was himself following one that was not erroneous. The examination of this point involved facts which merited the particular attention of the Committee.

The statement of the entry tonnage of the United States in foreign trade for 1792, lately called for and reported, is 415,331 tons. The statement of the actual tonnage for the same year, is 239,394 tons.

On comparing these two quantities, it was evident that both could not be right. If the entry tonnage was no more than was stated, it was inconceivable that the actual tonnage could be as much as was stated. It would allow the vessels in the European and West India trades, together, but

somewhat more than one voyage and a third a year. It could never be supposed that this corresponded with the fact. How, then, was the inconsistency in the two statements to be explained? Mr. MADISON said, as he did not know by what rule the actual tonnage was made up, he would form no conjecture on the subject. He hoped and wished that some gentleman more conversant with it would solve the phenomenon. He did not call on the gentleman from South Carolina, because he, most of all, must be puzzled to account for it; having stated that our vessels in the trade to Europe make two voyages, and in the West India trade four voyages, a year.

Besides the evidence contained in this comparison of the aggregate tonnage in the two different forms in which it had been reported, the existence of error somewhere, and probably in the account of the actual tonnage, resulted from a comparative view of our exports to the British Dominions, for the two years of 1790 and 1792, and of the whole tonnage, American and British, employed in conveying them.

In the former year the exports were \$9,363,416. In the latter, \$8,269,493; the excess for 1790, \$1,093,921.

The entry tonnage, British and American, for 1790, was 273,580 tons.

The British entry tonnage, for 1792, was 206,384 tons. The actual American tonnage for 1792, was, according to the official statement, 66,582 tons; which, turned into entry tonnage, according to the proportion of the whole actual to the whole entry tonnage for that year, makes the American entry tonnage, in the trade to Great Britain, about 95,000 tons. Adding this to the British entry tonnage of 206,384 tons, the British and American, together, for 1792, amounts to 301,384 tons; which exceeds the tonnage of 1790 no less than 27,804 tons.

According to this calculation which embraces the actual tonnage as stated to the House, there would be 27,804 tons more employed in transporting \$1,093,921 less; making our tonnage to increase in that proportion as the employment of it decreased.

There was a possibility, Mr. MADISON observed, that the course of trade in the two years might be such, that more of the vessels employed in the exportations to Great Britain might be entered in 1790 as coming from some other country than in 1792; but as there was no known circumstance which authorized this solution, and as it seemed demonstrable, in general, that error existed somewhere in the statements, and most probably in those of the actual tonnage, he concluded that it ought to be referred to that source; and, consequently, that the guide followed by the Secretary of State (to wit: the entry tonnage, the only one he had to follow) was not more inaccurate than the actual tonnage would have been, which guided the member from South Carolina.

Another position of the Secretary of State on which a charge is founded is, "that the greater part of what Great Britain receives from the United States is re-exported." This position, Mr.

MADISON reminded the Committee, related to Great Britain, without comprehending the West India Islands, which formed a distinct branch in the Secretary's Report. How far it was liable to the exceptions taken against it, would appear from an examination of facts.

To obviate criticisms, Mr. MADISON said he would take for the basis of his calculations the statement, given in detail by the gentleman himself, of the exports for 1790 to the French and British Dominions; which, though not extended to every item, approached so near to a full view of the trade as to be adequate to the purpose.

In the statement, the exports to Great Britain stand at \$6,651,429; from which must be subtracted, for the comparison, the amount of the several re-exportations, as far as they can be liquidated.

Tobacco.—It appears from an official document, that the tobacco exported to Great Britain in 1791 was 67,286 hogsheds. A return for another year states the quantity to be 52,505 hogsheds. It appeared from the revenue returns of Great Britain, that the consumption of this article amounted to 9,600 hogsheds. The proportion re-exported might then be reasonably set down at four-fifths of the quantity imported.

Rice.—To obtain the proportion of rice re-exported, we may take the medium quantity imported for three years immediately preceding the Revolution, which, according to a table in Anderson's History of Commerce, was 486,542 cwt. By another table for the same period, the medium quantity exported was 349,653 cwt. The difference marks the consumption, and is 136,890 cwt. The quantity exported to Great Britain from the United States in 1792 was 58,978 barrels—equal to 294,890 cwt. Comparing the quantity consumed with this quantity, it appears that more than half, though less than two-thirds, is re-exported—call the re-exportation one-half only of the present importation.

Indigo.—According to a statement in Anderson, the medium importations into Great Britain, for three years immediately preceding the Revolution, were about thrice the medium quantity exported. Call the proportion re-exported now, however, one-fifth only, which is probably below the fact.

From these proportions, and the data furnished by the gentleman's own statement, result the following justification of the Report of the Secretary on the point:

Exports to Great Britain	-	-	-	\$6,651,429
Tobacco	-	-	\$2,754,493	
Consumed, one-fifth	-	-	550,898	
Re-exported	-	-		\$2,203,595
Rice	-	-	773,852	
Consumed, one-half	-	-	386,926	
Re-exported	-	-		386,926
Indigo	-	-	473,830	
Consumed, four-fifths	-	-	379,064	
Re-exported	-	-		94,766

JANUARY, 1794.]

Commerce of the United States.

[H. of R.]

Wheat and flour, perhaps the whole re-exported; and more was carried to Great Britain in the two succeeding years, though the aggregate exports thither were less than in the year here taken: say, however, that one-fourth was consumed, and let the amount stand according to the gentleman's statement, at - - 1,087,840

Consumed, one-fourth - - - 271,960

Re-exported - - - 815,880

3,501,067

Here, then, it appears that their exportations of the four articles alone, of tobacco, rice, indigo, and wheat, are greater than the whole consumption in Great Britain of the articles imported from the United States, although the most unfavorable year has been taken for the inquiry; and, consequently, that the position of the Secretary of State was well founded.

If it were necessary to investigate the full amount of re-exportations, several articles might have been added to the list, such as whale oil, ginseng, flaxseed, &c.

Nor would it be unfair, perhaps, to include the primitive value of the articles re-exported in the new forms given to them by art. A great proportion of what is sent from the United States to Great Britain, in a rude state, is worked into articles of merchandise, and exported in the course of trade. Take, for example, the two articles of pot and pearl ashes and indigo.

The amount of the export of the former to Great Britain is stated at \$747,078; of which, if no part is re-exported in its unaltered state, the whole enters into British manufactures. Supposing one-third of these particular manufactures to be exported, which appears to be nearly the general proportion, the value of pot and pearl ashes re-exported is \$249,026. The indigo used in Great Britain has appeared to be \$379,064, one-third of which re-exported as an ingredient in manufactures, is \$126,354 $\frac{2}{3}$. These two items alone amount to \$375,280 $\frac{2}{3}$; and, with many others, might be added to the mass of re-exportations. But they are stated rather to throw light on the general character of our trade with Great Britain than to be relied on in the present case, which has been sufficiently elucidated by more direct and simple views of it.

Mr. MADISON proceeded to apply the calculations he had made to the question discussed by Mr. SMITH, in relation to the comparative importance of the French and British markets to the productions of the United States.

By deducting the \$3,501,067 re-exported, from the \$6,651,429 imported into Great Britain, he reduced her actual consumption to \$3,150,362; to which, adding the \$1,805,744 exported to the West India market, the whole British consumption stands at no more than \$4,956,106. On comparing this with the exports to the French Dominions, (which re-export none of any consequence,) to wit: \$4,424,336, the subject took a very different aspect from that which had been given to it.

But there was, Mr. MADISON observed, a circumstance of the utmost importance to a fair view of this question, which had been wholly overlooked by the gentleman from South Carolina, and which cut up his calculations by the roots. The re-exportations from Great Britain were not only to be subtracted from the consumption of Great Britain, but, in a great degree being made to France, were to be added to the value of her market to the agriculture and commerce of the United States.

The re-exportation from Great Britain to France could not be accurately fixed by any documents to be had here. In general, they were known to be great. He would, he said, confine himself to the two articles of tobacco and flour, of which he estimated the amount as follows:

The tobacco exported from the United States appears to be about 100,000 hogsheads. It is valued in the return of our exports at \$4,849,567. It is known that France consumes about one-fourth of the whole quantity exported; that is, \$1,087,392. It appears, by the return of our exports, that the direct exports of this article to France stand at \$384,642. The indirect supplies, then, to France, not appearing in the returns of our exports, and to be added to them, are \$702,750.

Of the flour and grain sent to Great Britain, allowing, as above stated, one-fourth to have been there consumed, which is probably beyond the truth, the re-exportation amounted to \$815,880. It is well understood that France was the market where these articles were finally consumed. The account may now be stated:

To the French market, directly exported for consumption - - -	\$4,424,336
Tobacco indirectly exported for consumption - - -	702,705
Wheat and flour indirectly exported for consumption - - -	815,880
Total of French consumption - - -	5,942,921
Total of British consumption - - -	4,956,106
Excess of French consumption - - -	986,815

Thus it appears, without taking into the account the other articles re-exported to France, that the market of that country for our exports was worth to the United States nearly a million more than the market of Great Britain; and yet the gentleman from South Carolina had represented the British markets as exceeding the French in the annual amount of between three and four millions; and had pronounced, without hesitation, that Great Britain, in reference to our productions,

was a more important customer than France, almost in the ratio of two to one.

Mr. MADISON, returning to the Secretary's Report, said he hoped, after what had been shown, it would be needless to trouble the Committee with further remarks on the subject. In dismissing it, however, he could not do justice to his own impressions, without declaring his entire confidence that the Report would be regarded by all discerning and unprejudiced judges as one of the many monuments which its author had left behind him, of the zeal, the talents, and the patriotism with which he had discharged the duties of his station; and that he had carried with him into retirement a purity, both in his public and private name, which nothing that could be said within or without the walls of Congress could tarnish.

Having gone through the particular observations into which he had been led by the attack made on the Report of the Secretary of State before the Committee, he should proceed to a more general view of what had been urged by the opponents of the resolutions he had introduced.

Among other things, it had been alleged, in the latter stages of the debate, that the friends of the resolutions had involved themselves in inconsistency, by shifting the ground of argument from commercial to political considerations. In answer to this charge, he remarked, that if in any instance of his public life he was free from the charge of inconsistency, it was on the subject of vindicating our national interest against the policy of Great Britain towards us; that in all the public stations with which he had been honored since the peace, and on every occasion which had occurred, his conduct had been marked by an adherence to this principle; that the resolutions he had last proposed were founded on this principle; that if, in the first arguments supporting them, he had dwelt chiefly on commercial topics, it would be recollected that he kept the door open for political ones, if the turn of the discussion should require them. That he had foreborne to enlarge on the political sides of the question, because he thought it defensible on commercial grounds, and was willing to meet it on those grounds, because he did not wish to mingle, unnecessarily, irritating ideas in the discussion, and because he had supposed that every thing relating to the Treaty of Peace, the Indians, Algerines, the spoliations, &c., were sufficiently imprinted on every mind, and would have all the effects they ought to have, without being particularly enforced.

Whilst he could thus repel the charge of inconsistency brought against himself, it must be evident, he thought, how much room there was for retorting the charge. In the early stages of the discussion, there seemed but one sentiment as to the conduct of Great Britain, at least in a political view. The difference turned on the question, whether we could or ought to counteract her conduct. In the latter stages of the discussion, palliations if not justifications had been multiplied and labored, not only with respect to her commercial policy, but with respect to the detention of the posts, the Indians, the Algerines, and even tho

spoliations of our neutral commerce; on the unlawfulness of which, our Executive had grounded the remonstrance and demand of indemnification lying on the table.

In addition to this, he stated the inconsistency between those who maintained and those who rejected the theory of leaving commerce perfectly free; the inconsistency of rejecting this theory, and yet refusing to meet restrictions on one side with restrictions on the other; the inconsistency of condemning a commercial discrimination between nations, as contrary to the wise example of Great Britain, and claiming for Great Britain the credit of making such discriminations in favor of the United States. The inconsistency of predicting that the measure would destroy the revenue, and insisting that the duties articles would continue to be imported from the same source, through more expensive channels. The inconsistency of exclaiming against topics and remarks which may awaken the passions, and endeavoring themselves to alarm our fears; of exhorting the Committee to consult its judgment alone, and substituting for argument continued addresses to the imagination.

Particular pains, he remarked, had been taken to exhibit a picture of our national prosperity which might flatter our wishes and forbid experiments. It was readily admitted, he said, that there were many features in the face of our affairs which were proper themes of mutual congratulation, whether compared with the situation of other countries or with our own under other circumstances. And it gave him much pleasure to add, that the degree of prosperity we enjoyed, though not to be exclusively credited to the change of our Federal Government, or to particular measures under it, according to the exaggerations of some, was yet so far and so evidently the fruit of that change as to do honor to the people of America in adopting it. He mentioned two innovations, making part of the Constitution, which must alone have had a powerful effect in meliorating the condition of this country, to wit: the prohibition of paper money, or other violations of contracts, and the abolition of incoherent and rival regulations of trade among the several States. But notwithstanding the flourishing state of our affairs, when viewed under certain aspects, it was equally certain that there were others which suggested very different reflections.

He then went into a review of the actual state of our commerce, particularly in relation to Great Britain, and of the several injuries of another sort which that nation had superadded to her commercial restrictions.

He repeated, what he had formerly maintained, that there was more of reciprocity in the footing of commerce between Great Britain and other countries, and between other countries and the United States, than between Great Britain and the United States. To prove the first point, he remarked that in some instances Great Britain had treaties with other countries which defined and stipulated reciprocal privileges; in other instances, her restrictions were counterbalanced by laws imposing restrictions on her. To prove the second

JANUARY, 1791.]

Commerce of the United States.

[H. OF R.]

point, he remarked, that no other nation with which the United States carried on commerce had a Navigation Act similar to that of Great Britain.

With respect to the intercourse between the United States and Great Britain, there was, he insisted, a want of reciprocity throughout, that must strike the most superficial observer.

In the article of navigation this had been sufficiently pointed out, and, being admitted on all sides, need not be repeated.

In the trade between the two countries, our best staples, wheat and flour, fish and oil, salted provisions, which amount to considerably more than one-third of our exports, were shut out of her markets; whilst all her best staples, her woollens, her cottons, her manufactures of the metals, of leather, and of silk, were admitted on moderate duties, and enjoyed in a manner a monopoly of our market.

In the articles of superfluity mutually admitted, there was nothing to compensate the inequality in other cases. Our tobacco paid a tax of four or five hundred per cent., our rice fifty or sixty per cent., and our manufactures of every sort would not be admitted, if we were ever so able to send them. On the other hand, her superfluities were received under duties which in general did not exceed from seven and a half to fifteen per cent.

In the West India trade, besides the exclusion of our vessels, whilst her own were left free, there were a number of our productions which were not admitted into the market there, whilst our laws refused nothing that was brought into the market here.

He next turned his attention to the injuries and losses we suffered in other respects.

As he had not possessed himself of the evidence, he should, he said, leave it to those who had to show how far the Indians were or were not spurred on to war against us by the agents or partisans of Great Britain. It was a sufficient ground of complaint that the posts were wrongfully detained; that the detention had a baneful influence on the sentiments and conduct of the Indians; and that the supplies for their warfare were derived from a trade authorized by the British Government, and protected by the posts which of right were ours, and ought to be used for our defence. He combined this proceeding of Great Britain with the lawless seizure of our vessels under her instructions of the 8th of June last, observing, that whilst on one side she violated the laws of nations by carrying on a trade in contraband articles with those at war with us, she was on another side violating the laws of nations by intercepting our trade with those at war with her, in articles not contraband.

The Indian war, he observed, cost us annually a sum, exceeding by one million the sum that would probably be sufficient for the defence of our frontiers if the posts were in our hands. The fur trade depending on the posts might, he thought, be fairly valued at two hundred thousand dollars more.

The Algerine depredations appeared to have proceeded from the steps taken in pursuance of the views of the British Government. If they were

not immediately pointed against us, it must have been known that our trade would be the victim. The evil, therefore, may at least be charged to an unfriendly disregard of our interests, if not to a positive hostility to them. The pecuniary amount of this evil cannot be rated at less than the expense of the armament proposed as a remedy. This is stated at six hundred thousand dollars for the outfit, and he did not expect that the annual expense would average much less; to which may be added, at a very low computation, for insurance, remaining after the armament, two hundred thousand dollars.

The spoiliations committed on our neutral commerce by Great Britain must be of considerable, though very uncertain amount; and the consequential detriment to our trade in general, from these interruptions and dangers, of a very great, though equally uncertain amount. In order to bring both within a safe estimate, he said he would state the former at the limited sum of one hundred and fifty thousand dollars, and the latter at no more than four hundred thousand dollars.

In addition to the foregoing estimates, he said there was another item which, though of a different character, fell under a comprehensive view of our situation; and, being reducible to an amount tolerably definite, ought to find a place here. He referred to the statement before quoted, from a Report of the Secretary of State, which showed that the loss to the United States, from a dependence on British bottoms for the carriage of their produce, was no less, annually, in time of war, than three millions two hundred and fifty thousand dollars; and, in war and peace, averaged no less than one million three hundred and ninety-two thousand eight hundred and fifty-seven dollars. Allowing about one-third of this carriage for the reasonable share of Great Britain, (and, for reasons formerly derived from the character of our exports, this was a full share,) the annual loss from the dependence might be called about one million of dollars.

These calculations he recapitulated thus:

Indian war	-	-	-	1,000,000
Fur trade	-	-	-	200,000
Algerine depredation	-	-	-	600,000
Insurance not reduced by naval armament	-	-	-	200,000
British spoiliations	-	-	-	150,000
Consequential detriment to our trade	-	-	-	400,000
Dependence on British bottoms	-	-	-	1,000,000
				<hr/>
				\$3,550,000

From this view of things, it was impossible to deny that, however prosperous the United States might be in some respects, they were in others laboring under violations of their rights and interests which demanded the serious attention of the Legislature. Besides the unreciprocal footing of their commerce, and the indignities offered them, it was seen that they were burdened with an enormous extra expense, and involved in unjust losses, amounting to more than three and a half millions of dollars a year; a tax nearly equal to the heavy one they had been obliged to impose on themselves.

Having taken this view of our situation, he pro-

ceeded to consider how far a remedy was comprised in the resolutions before the Committee, by tracing the probable operation of them, if passed into a law. [In this stage of his observations, the hour of adjournment being nearly arrived, he sat down, with an intimation that the subject would be renewed.]

On the next day, Mr. M. resumed the train of his observations, and proceeded to explain the remedial operations of his propositions:

First. They will make the British nation sensible that we can, by just and pacific means, inflict consequences which will make it her interest to pay a just regard to our rights and interests.

To enforce this tendency, he enlarged on the ideas he had formerly expressed in relation to the dependence of Great Britain on the commerce of the United States, and the obvious and essential dependence of the British West Indies on the supplies of the United States.

On the latter subject, he entered into a particular reply to the member from Massachusetts, [Mr. AMES,] who had argued that the British regulation of the trade between the United States and the West Indies was conformable to the principles of the Colony system, as established by the commercial nations of Europe, and could not therefore be reasonably complained of. 2d. That the West Indies could obtain supplies from other quarters, and did not therefore depend on the United States; nay, that there was danger, by forcing these supplies into other channels, of our losing that branch of trade altogether. 3. That the trade would hardly employ more than a dozen brigs, and was therefore not worth contending for.

In answer to the first argument [of Mr. AMES,] Mr. MADISON undertook to show that Great Britain had not pursued but violated the principles of the Colony system. The true spirit of this system, he said, was to confine the trade between the parent country and the Colony to their own vessels, and to allow as little trade as possible between the Colony and foreign countries; but when a trade with a foreign country became necessary to the Colony, *to allow the foreign vessels the same carrying privileges allowed to their own.* Colonies, he said, were to be considered as parts of a common empire. The trade between one part and another, as between London and Kingston in Jamaica, was to be considered equally an internal trade with the coasting trade between London and Liverpool, or the trade between different ports of the United States; and might, if deemed expedient, be equally restrained to domestic bottoms. But when a trade was opened between a Colony and a foreign country, the case was changed: the foreign country became a party, and had a reciprocal claim to the use of its bottoms, as much in the trade with the Colony as with any other part of the empire to which the Colony belonged. In support of this doctrine, Mr. M. referred to the example of every nation in Europe, except that of Great Britain which had American Colonies. Denmark, Sweden, the United Netherlands, France, Spain, and Portugal, had their Colonies,

as well as Great Britain; and some of them were rigorously attached to the principles of the Colony system; yet not a single one of these nations had refused, whenever a trade was permitted at all between the Colonies and another country, to make the carriage common to the vessels of both the parties. Great Britain alone had attempted a monopoly in such cases for her own vessels. Her example, therefore, was an innovation on the Colony system, as well as an infraction of the rights of reciprocity.

In answer to the second position of Mr. AMES, he denied that permanent supplies of provisions and lumber could be derived from any other part of the world than the United States; not from the Northern parts of Europe, which either did not produce or were too remote to send them; not from the Southern parts of Europe, which depended themselves on the Northern parts and on America; not from Great Britain, which imported bread for her own use, amounting, one year with another, according to the report of the committee of the Privy Council, to the sum of near three hundred thousand pounds sterling, and was certainly not an exporter of lumber; not from Ireland, which could not pretend to rival the United States in any article but that of salt provisions; and this was so much dearer that a prohibition alone of ours could gain a market for hers. The gentleman had relied on the capacity of Ireland to extend her cultivation of wheat, so as to spare supplies of this article also. Such a revolution in her interior state was not very probable. But he ought at least to have remembered that, as the pasture lands of Ireland should be turned into wheat fields, her exports of beef would decrease in proportion as she might be enabled to export bread.

It was a waste of time, Mr. M. said, to disprove, by minute inquiries, the possibility of supplying the British West Indies from the old Continent on terms that would not be worse than abandoning them altogether. The truth was, that the gentleman [Mr. AMES] had, in this particular, gone beyond the most sanguine advocates of the British policy, Mr. Knox and Lord Sheffield themselves, who limited their ultimate hopes of supporting the West Indies, without the aid of the United States, to the remaining possessions of Great Britain on this Continent. He would proceed, he said, to show what foundation there was for the opinion of these gentlemen, and the gentleman from Massachusetts, in favor of this resource. And he was able to give the most full and decisive evidence in the case, by recurring to an authentic document of our own, from which it appeared that the Continental Colonies of Great Britain, instead of being able to furnish the West India Colonies, were themselves dependent, for the very articles wanted there, on the supplies of the United States.

In the official statement of our exports for the year as late as 1791, most of the articles sent to the British Continental Colonies were of a sort and an amount so directly to the point that he hoped the Committee would excuse him for repeating them in detail. He stated them as follows:

JANUARY, 1794.]

Commerce of the United States.

[H. of R.]

BREAD-STUFFS AND ROOTS.

Wheat, bushels	-	-	315
Rye, do.	-	-	2,201
Barley, do.	-	-	32
Indian corn, do.	-	-	80,734
Oats, do.	-	-	314
Buckwheat, do.	-	-	26
Peas and Beans, bushels	-	-	1,418
Rice, tierces	-	-	84
Flour, barrels	-	-	27,197
Ship-stuffs, do.	-	-	2,515
Rye meal, do.	-	-	1,774
Indian meal, do.	-	-	2,396
Buckwheat meal, barrels	-	-	353
Bread, do.	-	-	29,200
Crackers, kegs	-	-	364
Potatoes, bushels	-	-	20
Onions, do.	-	-	525

MEATS, &c.

Beef, barrels	-	-	284
Pork, do.	-	-	351
Bacon, pounds	-	-	881
Fresh pork, do.	-	-	29,334
Fresh beef, do.	-	-	92,269
Mutton, carcasses	-	-	561
Tongues, barrels	-	-	30
Butter, firkins	-	-	33
Lard, pounds	-	-	5,720
Cheese, do.	-	-	1,826

LIVE STOCK.

Horned cattle	-	-	312
Horses	-	-	39
Sheep	-	-	1,517
Hogs	-	-	178
Poultry, dozen	-	-	361

WOOD.

Shingles	-	-	43,000
Staves and heading	-	-	128,000
Handspikes	-	-	2
Hoops	-	-	3,000
Laths	-	-	3,000
Blocks	-	-	100
Or-rafters	-	-	857
Trunnels	-	-	1,500
Oak planks and boards	-	-	14,267
Pine, do.	-	-	27,000
Maple and beach, do.	-	-	7,500

The total of the exports, including a few articles under other heads, amounted to \$270,259.

Here, then, it is seen, that not only in the bread-stuffs and meats of every sort, but in the articles of lumber and live stock, for which, by universal acknowledgment, the West Indies must depend either on the United States or the British Continental Colonies, the latter are so far from being a rival to us, or a resource to the West Indies, that they continue at this day to supply their own deficiencies from our market.

Mr. M. said that he should not have employed so much of the time of the Committee on this head, if the gentleman [Mr. AMES] had not attempted to revive the arguments with respect to Canada and Nova Scotia, which had misled Great

Britain in her political calculations and her present views. He had heard the language of the gentleman on this subject with astonishment. That Mr. Knox and Lord Sheffield, British subjects, viewing the prospect with British eyes, at the distance of three thousand miles, in the year 1783, when little inquiry and no experiment could assist them, should have run into the error, was perhaps not so marvellous. But that an enlightened citizen of America, seeing with American eyes, living in the neighborhood, as it were, of the scene, in a State whose wharves afford proofs of the daily dependence of the British Continental Colonies for the necessities of life on the market of the United States, should, in the year 1794, adopt the opinion that those Colonies could supply the islands, after a trial of nine years had probably forced the authors of the opinion, Knox and Sheffield themselves, to abandon it, would be heard without some surprise, and must be considered at least as the fullest proof that the gentleman had not given sufficient attention to the present subject to claim that weight which was in general due to his observations.

Mr. M. said he was not less surprised at the second position of the gentleman from Massachusetts, viz: that the West India trade could be carried on by a dozen brigs, and, consequently, was not an object worth our pursuit. The plain answer to this argument was, to state the fact that the shipping entered in one year from the British West Indies was not a dozen brigs, but 107,759 tons.

Besides the immediate importance of this auxiliary resource for our navigation, he remarked, that there were two considerations which enhanced the value of the object: one, that as the West India articles could be brought cheaper in American vessels, they would come cheaper to American consumers; the other, that as our supplies would at the same time be carried cheaper to the West Indies, the people there could afford to consume the more of them.

It had been urged, that the proposed restrictions on the trade with Great Britain would produce clamors here as well as there, and that Congress might be obliged to recede, before the British Government would be under the necessity of doing so. To this Mr. M. replied, that he was under no such apprehension. He thought more favorably of the good sense as well as virtue of his fellow-citizens. On the side of Great Britain it had been shown there would be the greatest distress, and the least ability to bear it. The people there were not accustomed, like the people of the United States, to self-denying regulations. They would not have the same confidence in the justice of their cause. And it was particularly worthy of remark, that the people of Great Britain would be disheartened, and the Government alarmed, by reflecting, that their losses from the shifting of commerce into other channels, and not only of their manufactures, but manufacturers, to other places, would be permanent and irretrievable; whereas, on our side they would be temporary sacrifices for durable and valuable acquisitions.

Secondly. The resolutions would have the effect of increasing our marine, and thereby at once cheapening and securing the carriage of our productions, and providing for our safety. These advantages, having been already sufficiently explained, need not, he said, be again developed.

It had been remarked by a member from Massachusetts, [Mr. AMES,] that if, as stated by a Report of Mr. JEFFERSON, Great Britain was so often at war, her wars, by depriving us of her shipping, would soon have the wished effect of replacing it with American shipping. This reasoning, Mr. M. said, supposed what was contrary to prudence and probability. What merchants would build ships which a peace, always more or less in prospect, would throw out of employment, unless it were for special purposes, where the momentary gain might outweigh the eventual sacrifice?

It had been said that our tonnage was proved, by the official returns, to be increasing with an unexampled rapidity. To this Mr. M. answered, that the increase ought not to be compared with other examples, but with our own natural faculties and reasonable expectations; that the increase of our population required an annual increase of at least five per cent.; that an assumption, by foreigners, of American names, had probably increased the apparent quantity of our shipping; that the war, or preparations for it, by withdrawing foreign shipping, had probably also had some little temporary effect; that the principal cause of the increase was the extension of our trade with the French Dominions, which some members seemed so little inclined to secure and foster, by measures which appeared to him best fitted for the purpose.

He reminded the Committee of an argument which had on former occasions been much pressed by several mercantile members, for encouraging our own navigation, to wit: that American vessels, from a spirit of enterprise and a union between private and public interests, would explore new fields of commerce and new markets for our produce, which foreign carriers would leave unattempted. The trade to China, opened by American vessels, had been often ascribed to this cause. Mr. M. said the argument seemed to be countenanced also by the present state of our Mediterranean trade, which had, since our Independence, been confined by the Barbary corsairs to foreign bottoms. Previous to the Revolution, when American vessels could be the carriers, the trade was very considerable. Since the exclusion of our vessels, though the carriage of our produce is safe in British and several other foreign vessels, yet this branch of trade had withered as much as most others have grown. In 1790, the exports cleared for the Mediterranean were but \$21,726; and in the year following, the imports no more than \$11,522.

Thirdly. Another effect incident to the proposed measure would be an additional encouragement to domestic manufactures.

A gentleman from Massachusetts [Mr. DEXTER] had said he could read no such tendency in the propositions. Mr. MADISON thought it impossible to read the propositions with attention, and not

perceive that they must have the like tendency with the other means by which manufactures had been promoted. If the duties already laid were calculated to produce this effect, an increase of those duties, in any instance, must have a tendency to increase the effect. In answer to the objection that a change in the policy of Great Britain might put an end to the additional duties, and ensnare those who should proceed under the influence of them, he remarked: 1st. That the same might be said, in some degree, of the regulations now in force. A treaty with Great Britain might stipulate changes which would affect our manufacturers. But, as there was a just confidence that the interests of this class of citizens would in this case be attended to by the Government, it might be expected that equal attention would be paid to them in any other case. 2d. The progress of things in this country, and the probable accession of foreign manufacturers, might be relied on to support whatever undertaking shall have once got a footing.

Fourthly. The proposed resolutions would favor an advantageous competition and distribution of our trade among the manufacturing nations of Europe. At present, it may be said to be monopolized by one, so great is the disproportion of its manufactures which come to our market. That this is an evil has been admitted, and cannot be doubted. It exposes us to the greatest and most sudden embarrassments, from the caprice, the passions, the mistaken calculations of interest, the bankruptcies, and the wars, of a single foreign country. Many of these embarrassments are felt at the present moment. If it were possible to liquidate them into a pecuniary statement, it would be found that, in a permanent view of our interest, there would be economy in making very considerable temporary sacrifices, for the purpose of dividing our custom among a number of competitors. It was not true that Great Britain alone can supply the manufactures we want. France, the United Netherlands, and several other nations, are capable of supplying us with a variety of articles, as well as the nations from which they now come; and, if invited to our markets, by prudent encouragements in the first instance, will soon learn to fashion their manufactures to the wants and tastes of this country. The policy of favoring particular branches of trade, even at some expense, in order to guard against the evil of depending on a single one, was exemplified by the conduct of Great Britain herself. Although he viewed her discriminations generally, respecting us, in the light he had explained, yet he thought it possible that, in the instance of naval stores and ship timbers, it might be her intention to foster a rivalry in a more distant quarter, in order to provide against a casual privation of the supplies of a nearer quarter. These articles are as essential to the marine of Great Britain, as her marine is essential to her greatness. Were she to have no resource but in the Baltic, a war with the Baltic Powers might be fatal to her. It may be wise in her, therefore, to keep open the American resource, even at the price of a tax on herself. In this case, she must

JANUARY, 1794.]

Commerce of the United States.

[H. or R.]

quarrel with both the Baltic Powers and the United States at the same time, before the supplies will be cut off.

A member from Massachusetts [Mr. DEXTER] had not, Mr. MADISON said, been very consistent in his reasoning on the subject. He had contended against all attempts to excite a beneficial competition, on the idea that no competition could be beneficial which would not spring up of itself; and yet he had warned us against the danger that Great Britain, by exciting a competition against the United States in those parts of Europe which most resemble the infant situation of our country, might establish new sources, from which supplies would afterwards spontaneously flow to her, without being ever again wanted from the United States. The same remark was applicable to the reasoning of the other gentlemen who had represented the danger of exciting a permanent rivalry for the West India market, in favor of Canada and Nova Scotia.

Fifthly. The plan of the resolutions tended to conciliate nations in treaty, or disposed to be in treaty with us, into arrangements still more favorable to our commerce. This argument had peculiar weight in relation to France. It had been said that Great Britain was our best customer. The fact, he said, was, that we were her best customer; but that France was our best customer. We consume more of British manufactures than any other nation in the world consumes. France consumes more of our productions than any other nation consumes. He referred to the statement he had before offered for proof of this. Her consumption was also of the most valuable kind; and, under favorable regulations, would be a very growing one. It consisted of wheat and flour, salt provisions, and fish; articles which were not admitted by Great Britain; and which, without the market of France, would glut every other. Of our fish, she consumed five eighths of the whole exportation. Her use of our live animals was another important consideration. It amounted, in the list of our exports, to \$352,795, for the year 1791. In the same year, the British demand amounted to no more than \$62,415.

The superior proportion of navigation we enjoyed in the French channels of intercourse had already been shown. In examining the policy of cultivating and securing the French market, he said it ought not to be forgotten that the profits and revenue arising from the rum distilleries depended on an article obtained almost, if not altogether, from the French Dominions alone, and which was the only raw material of any consequence imported into the United States. It was paid for, also, as had been much urged on other occasions, by members on the opposite side, in the worst fish, which could find a vent in no other part of the world. The molasses imported into the United States, in one year, amounted to upwards of seven millions of gallons, more than one-half of which went into the State of Massachusetts. He took notice, also, of the article of sugar, as rendered of great importance by our habits and our finances and of which more than one-half was

supplied by the French West Indies. Out of 17,142,723 pounds imported, 9,321,829 pounds were received from that source. The residue came from the Danish, Dutch, and British Dominions, in the following proportions, to wit: Danish, 2,833,016 lbs.; Dutch, 2,707,231 lbs.; British, 2,280,647 lbs. That statement was taken from the imports of 1790, the only year he had been able to examine on this point.

It had been said, why grant privileges before a mutual grant should be secured by positive stipulation? Why throw away, by a legal regulation, what ought to be the price of treaty? He answered, that the legal regulation threw nothing away, as it was always revocable; that, in the present instance, it was only meeting the legal regulations of which France had set the example; that, instead of being a bar to treaty, such a course of proceeding, more than any other, would smooth the way to it, by explaining the objects and establishing a confidence on both sides; that it would be happy if, in all cases where treaties are in view, this open and conciliatory process could take the place of that reserve and mysterious negotiation with which the parties approach each other. Were Great Britain desirous of forming amicable arrangements by treaty, he asked, what readier or more prudent step could she have taken for the purpose, than to have followed the example set her, by holding out in her laws the spirit in which she was willing to meet us in negotiation?

Having gone through these explanations, Mr. MADISON entered into a view of the principal objections to the resolutions proposed.

1. It was said they would diminish the revenue and endanger the funds.

With respect to the Public Debt, his general ideas had been expressed by several who had spoken before him. He acknowledged that he had disliked and opposed the modification given to it; but, after it had received the sanction of the law, he had entertained no other wish on the subject than that the Debt might be honorably discharged as fast as the circumstances of the country would permit. This, he was well satisfied, was the prevailing sentiment of the great body of the people. He did not believe that there was a single State in the Union, or any considerable part of a single State, that did not acquiesce (where they did not approve) in the provisions which had been made in behalf of the public creditors. At the same time, he was equally sure that it never was either meant by Congress, or understood by the public, that, in mortgaging the impost for their security, it was to be a hostage to foreign countries for our unqualified acquiescence in their unequal laws, and to be worn, as long as the Debt should continue, as a badge of national humiliation. The nature of the obligation could certainly import no more in favor of the creditors, than that the fund appropriated should be applied, as far as requisite, to their use, unless equivalent funds should be substituted: nor more against the public, than that all deficiencies in the funds should be made up, whether arising without or in consequence of a change in the

laws. If it should happen, then, that in consequence of any measure, dictated by the general good, the impost should become inadequate to its object, all that could be exacted by the public creditors would be some other provision, that would supply the defalcation; and it ought not to be doubted that the people at large, whose good was pursued, would readily support whatever other provision might become indispensable. He had made these remarks, however, with reference to an event which he did not, by any means, admit to be probable. The more he had revolved the subject, the more clearly it appeared to him that a very operative addition might be made to the duties on the enumerated articles, without endangering the aggregate product of the importations. And he entirely concurred in opinion with those who had observed, that the greatest injury which could be done to the class of citizens holding the public paper was, to represent their interests as more to be regarded than any national considerations whatever; and to oppose to the latter even the most imaginary contingencies to the former.

2. It was objected, that the operation of the resolutions would be more favorable, in some instances, to nations in treaty than was merited; and more unfavorable, in others, to nations not in treaty, than was politic.

In answer to this objection, he observed, that Sweden and Prussia, two of the nations in commercial treaty, had but little intercourse with us; would be, in any respect, but little affected; and, besides, the treaties with them were limited to a short term, the greatest part of which had elapsed.

France and the United Netherlands, the two other nations to be favored, could not reasonably be grudging the advantages they might derive from treaties, for which we had long ago received a valuable consideration, in their assistance towards the establishment of our independence.

As to the nations not in treaty—

Denmark would not be affected. She had no Navigation Act within the description of the resolutions, and could not feel the duties on manufactures. The whole of the imports from Denmark amounted, in the year 1791, to \$9,957 only. Her islands, also, with which the trade is carried on in our vessels, depend for their subsistence on our market.

Russia has little or no shipping in our trade, and it would not be affected if she had, as she had no such Navigation Act. Her unwrought iron may come as before. Duck and sheeting are the only two manufactures on which the resolutions would sensibly operate; and, with respect to these, as will presently be observed, it would be easy to make special exceptions.

The Hanse Towns, having no Navigation Act, would not be affected in that respect. Linens are the only articles falling within the proposed enumeration; and might, if thought requisite, be easily excepted.

Spain has little shipping in our trade; has no Navigation Act, such as is to be reciprocated, and would not be sensibly touched by the duties on

manufactures. She also needs our exports, and will be influenced by that consideration. It had been asked, why Spain, against whom we had complaints as well as against Great Britain, ought not to be equally an object of our regulations? He said that such a question could be best answered when the communications from the PRESIDENT relating to Spain should be taken up.

Portugal, like Spain, will not be affected in her navigation, nor sensibly, if at all, in the article of manufactures; and is, more than Spain, supplied with necessaries from our market. According to Zimmerman, Portugal does not raise within herself more bread than will feed her three months in the year. It is certain that she depends much on external resources, and that occasions are frequent when she can find them nowhere else than in the United States.

Mr. MADISON said, he considered these explanations as a sufficient answer to the objection. He would add, however, that there were other answers, some of which had been before hinted, that would afford an option of modes for the exemption of nations not in treaty. Besides the opportunity which such nations have of removing all difficulties, by meeting us in liberal treaties, they may be provided for, either by limiting every part of the measure to nations having a Navigation Act; or by limiting it to nations within a geographical description—a practice familiar to the British code; or, by naming the nations to be excepted—a practice also familiar to Great Britain; or, by naming the particular articles to be excepted—a practice no less familiar to that nation. By some or other of these modifications, the Committee could be at no loss to accommodate the plan to their own sense of propriety and the public good.

Here Mr. MADISON took occasion to remark, that much of the argument against the resolutions had proceeded from an inattention to their import, and would be answered by a simple explanation of them.

The first resolution, which was immediately the subject of debate, decided nothing with respect to a discrimination between different nations. It declared only, in general, that the situation of the United States required something to be done in the way of commercial restrictions and duties; and yet it had been combated by many members, as if a vote in favor of it would involve all the embarrassing preferences which their fancies could suggest.

The succeeding resolutions, on the subject of additional duties on manufactures, and of a variation of the tonnage duties, were founded on a discrimination between nations in treaty and nations not in treaty, but admitted, as he had observed, of whatever modifications or exceptions might be judged equitable or politic. The proposed reduction of the tonnage of vessels in treaty had been suggested by the complaint made by France of the existing tonnage on her vessels, as exceeding the burden imposed by her on ours, as well as an unkind return for the commercial benefits of which the United States were partaking under her laws. At present, the tonnage imposed by us

JANUARY, 1794.]

Commerce of the United States.

[H. of R.]

on all foreign vessels was the same. This would not seem to be right on any principle, unless the tonnage imposed on our vessels by all foreign nations was the same, which was not to be presumed. Whether the change he had proposed would be an amendment of the existing law was a point to be examined. It was certainly a part of the plan which he did not regard as the most essential.

With respect to the resolutions reciprocating navigation laws, it was evident, he said, that these had no reference to the question, whether a nation were in a treaty or not. They would operate equally, wherever there might be the same departure from the principle of reciprocity. If they should bear on one nation particularly, it would be because they ought to do so.

3. It had been much insisted, that trade ought to be free to find its proper channels, under the conduct of merchants; that the mercantile opinion was the best guide in the case now depending: and that that opinion was against the resolutions.

In answer to this objection, he said it was obvious to remark, that in the very terms of the proposition, trade ought to be free, before it could find its proper channel. It was not free at present; it could not, therefore, find the channels in which it would most advantageously flow. The dykes must be broken down before the waters could pursue their natural course. Who would pretend that the trade with the British West Indies, or even with Great Britain herself, was carried on, under the present restrictions, as it would go on of itself if unfettered from restrictions on her part as it is on ours? Who would pretend that the supplies to the West Indies, for example, would not flow thither in American bottoms, if they flowed freely? Who would pretend that our wheat, our flour, our fish, &c., would not find their way to the British market, if the channels to it were open for them?

It seemed to have been forgotten, that the principle of this objection struck at every regulation in favor of manufactures, as much or even more, than at regulations on the subject of commerce. It required that every species of business ought to be left to the sagacity and interest of those carrying it on, without any interference whatever of the public authority. He was himself, in general, a friend to this theory, but there were a variety of exceptions to it, arising out of particular situations, as must be admitted by all who would mingle practical with theoretic views, and as has been already decided by a number of our laws.

With respect to the mercantile opinion, he was disposed to pay all due attention to it. The mercantile class of citizens was certainly an enlightened and a respectable one. Their information ought always to be received with respect and their interest protected with care. But it did not follow that their opinions, even on questions of trade, ought to be consulted as an oracle by those who were equally bound to watch over the interests of every class of citizens, and over the joint concerns of the whole. There were considerations of dif-

ferent kinds which suggested caution on this subject.

However intelligent and constant the merchant might be in directing his operations for commercial purposes, he might not be equally in the habit of combining with these the various other rational objects which the Legislature might be bound to consult.

The interest of the mercantile class may happen to differ from that of another class, and possibly both may differ from that of the whole community. For example: it is, generally speaking, the interest of the merchant to import and export every thing; the interest of manufacturers to lessen imports, in order to raise the price of domestic fabrics, and to check exports, where they might enhance the price of raw materials. In this case it would be as improper to allow the one to judge for the other, as to allow either to judge for the whole.

It may be the interest of the merchant, under particular circumstances, to confine the trade to its established channels, when the national interest would require those channels to be changed or enlarged. The best writers on political economy have observed, that the regulations most unfriendly to the national wealth of Great Britain have owed their birth to mercantile counsels. It is well known, that in France the greatest opposition to that liberal policy, which was as favorable to the true interest of that country as of this, proceeded from the interest which merchants had in keeping the trade in its former course.

If in any country the mercantile opinion ought not to be implicitly followed, there were the strongest reasons why it ought not in this. The body of merchants who carry on the American commerce is well known to be composed of so great a proportion of individuals who are either British subjects, or trading on British capital, or enjoying the profits of British consignments, that the mercantile opinion here might not be an American opinion; nay, it might be the opinion of the very country of which, in the present instance at least, we ought not to take counsel. What the genuine American mercantile opinion would be, if it could be collected apart from the general one, Mr. M. said, he did not undertake positively to decide. His belief was, that it would be in favor of the resolutions.

It could scarcely be necessary, he said, to add, that his remarks were not meant to be, as they were not in fact, the least reflection on any part of the mercantile order among us. They only suppose what, in political reasonings, ought always to be supposed, that the prejudices of birth and personal interests will be a bias on the judgment.

4. It had been an objection to the resolutions, that they might deprive us of the aid of British capital and credit, which were necessary to the prosecution of our commerce.

Mr. M. did not admit either that the effect would happen, or that it would be ruinous to our commerce.

Unless Great Britain should, of her own choice, put a stop to the commercial intercourse with us,

which, for reasons before given, would be so much more hurtful to herself than to this country that it never could be presumed, the resolutions would operate only by abridging some of our importations, and by varying the channels of others. Her capital, as far as requisite here, might continue to be employed here.

On the general question concerning our dependence on British capital and credit, he observed, that it could not be denied that more use was made of them at present than was either necessary or beneficial. Credit, when extended to consumers, as was the case throughout the Southern States, was extremely injurious, as had been well explained by a member of Virginia, [Mr. NICHOLAS,] and as he himself had equally witnessed; when confined to merchants, it might, within certain limits, be an advantage. But it was not only his own opinion, but that of better judges, that the credit given to our merchants was at present excessive and injurious.

In order to form a very precise judgment on this subject, it would be necessary, he said, to calculate the amount of our own capital, and its proportion to the amount of our trade. This was a thing, he supposed, which could not well be done. If he had concurred in the doctrine of which so much had been heard both within and without doors, that a funded debt and banks of discount were equivalent to active capital, he should have a ready answer to the difficulty. The paper of the two kinds in the United States cannot amount to less than one hundred millions of dollars, whilst the amount of our exports or our imports does not exceed one-fourth of that capital.

It is true, a part of both the public and the bank stocks is in foreign hands; but, with the most ample deductions on that account, the residue, if operating in any considerable degree as active capital, would be a competent resource.

As he did not, however, view the doctrine in the particular light in which it had been painted, it would be more to his purpose to observe, that there was certainly in this country a real mercantile capital to a very respectable amount; that this was fast increasing with our increasing population and wealth; that if the foreign capital of one country should be withdrawn, the vacancy would probably, by degrees, be occupied by that of other foreign nations; that, if it should happen otherwise, there was reason to believe that a restriction of our use of foreign credit would be rather salutary than disadvantageous; that in fine, as long as we had twenty millions of dollars worth of produce, wanted by other nations, and were willing to take for it twenty millions worth of what they wished to part with, he was under no apprehension that the means of effectuating an exchange would not be found. Both merchants and capital would quickly be generated by such a state of things, if they did not previously exist.

5. It had been observed by several members, in allusion to the alleged proportion of British manufactures, consumed by us to the entire mass of her manufactures, that Great Britain would never part with her Navigation Act, in order to avoid a

loss of four per cent. in the demand for her manufactures.

To this objection he answered that the comparison ought to be of our consumption, not with the entire mass of her manufactures, but with the part entering into her foreign trade; and then the loss would not be four per cent., but at least twenty per cent. That this would not be the only loss she would sustain, if she should be unwise enough to stop the intercourse between the United States and her Dominions; that it had been already shown, that when she apprehended a restrictive system on our part, she was willing to prevent it, by relaxing her restrictive system; that in times of war, when an adherence to that system would distress her, she frequently suspends her Navigation Act; that at this moment it is suspended in relation to the West Indies; that there could be little doubt, if the temporary necessity were likely to be made permanent by firm and judicious measures on our part, that the remedy for it would be made permanent also.

6. It was objected that the present was an improper time for such resolutions.

The principal reason given for this was, that the negotiation between the Secretary of State and the British Minister here was still depending. To show that this reason was unsound, Mr. MADISON went into an historical view of what had passed in reference to commercial arrangements. He read the Message of the PRESIDENT to the House of Representatives on the 14th of February, 1791, acquainting them that steps had been taken to ascertain the dispositions of the British Court on the subject, and that there was no ground for favorable expectations. He stated that, in consequence of this communication, a committee was appointed, who reported that foreign vessels ought not to be allowed to bring into the United States any articles not of the produce or manufacture of the country to which they belong, and that an additional duty of 12½ cents ought to be laid on all distilled spirits, the production of any country or place from which vessels of the United States were not permitted to bring them; that, it being very near the end of the session when this report was made, it was referred to the Secretary of State, with an instruction to report at the next session an account of the foreign commercial regulations affecting the United States, with his opinion, &c.; that at the next session a letter was received from that officer, intimating that, in the actual state of circumstances, the report would not be given in, unless called for by the House; that, at the present session, the report now before the Committee was given in without being called for, and was, therefore, a proof that the circumstances which had caused the delay had vanished, and that at present there was nothing in train, according to the opinion of the Secretary of State, which ought to restrain the Legislature from proceeding in the business.

In answer to suggestions, that the British Minister had, in the correspondence with the Secretary of State, lately communicated by the PRESIDENT, manifested a favorable disposition, which has not

JANUARY, 1794.]

Commerce of the United States.

[U. OF R.]

been improved, Mr. M. referred to the passages which related to this point. He read from the first letter of Mr. Jefferson to Mr. Hammond, dated November twenty-nine, one thousand seven hundred and ninety-one, a paragraph requesting Mr. Hammond "to say whether he was authorized to conclude or to negotiate arrangements with us, which may fix the commerce between the two countries on principles of reciprocal advantage?" To this request, Mr. Hammond, on the thirtieth November, one thousand seven hundred and ninety-one, answered, "That the King was sincerely disposed to promote and facilitate the commercial intercourse between the two countries, and that he was authorized to communicate to this Government His Majesty's readiness to enter into a negotiation for establishing that intercourse upon principles of reciprocal benefit." On December 6th he wrote to Mr. Jefferson, in order to prevent misapprehension, that, although he was not yet empowered to conclude any definitive arrangement with respect to the commercial intercourse, he still meant it to be understood that he was fully authorized to enter into a negotiation for that purpose, &c. The reply of Mr. Jefferson, on the 13th of December, informed Mr. Hammond that he had laid his letters before the PRESIDENT, and was ready to receive a communication of his full powers for entering into the negotiation, &c. This was followed, on the next day, by a letter from Mr. Hammond, stating that he had no special commission to conclude any definitive arrangement upon the subject of commercial intercourse, but that he conceived himself fully competent to enter into negotiation, and the discussion of principles that might be the basis of such definitive arrangement; and that this opinion of his competency was founded on the instructions which were to regulate his personal conduct and the general plenipotentiary character in which he had been sent and received.

This letter, Mr. MADISON observed, closed the correspondence on the subject of commercial arrangements, being justly considered by the Executive as a final proof that the powers of Mr. Hammond were incompetent and irrelevant to the object, and that it would be improper to open a formal negotiation with him under them. His instructions might be a rule and a warrant to himself, but, not being even exhibited, could be no evidence of his authority to the Executive; and his plenipotentiary commission, in the ordinary form, could never be understood as relating to the special objects he proposed to discuss. According to the usages of nations, a special commission is, in such cases, always furnished and required. Mr. MADISON was persuaded that no sovereign in Europe would listen for a moment to such a claim as that of Mr. Hammond, and that the British Court would have been offended at such an one from an American Minister. He thought, therefore, that the Executive had equally consulted dignity and prudence in silently dropping the subject in the manner it did, until Mr. Hammond should receive and produce adequate powers in the accustomed form; as might reasonably be expected, if his Court was duly disposed to meet the United States

in an amicable arrangement of commerce by treaty.

That the construction put by Mr. Hammond on his powers was inadmissible, appeared to Mr. MADISON to result from the construction itself. Either the general plenipotentiary commission was to be taken in the technical and limited sense in which it is applied to the ordinary diplomatic objects of a stationary public Minister, or in a literal sense, without regard to such limitation. In the former sense, it clearly does not extend to negotiations for a treaty. In the latter sense, it would extend to the conclusion of a treaty, and not merely to negotiation, as Mr. Hammond explains and limits it.

Mr. MADISON adverted next to the state of the correspondence relating to the Treaty of Peace. It appeared, he observed, that as long ago as the 29th of May, 1792, the Secretary of State had addressed to Mr. Hammond a full explanation of our rights and demands under that treaty; that, on the 2d of June, Mr. Hammond informed the Secretary that he should transmit it without delay for the consideration of his Court, and, accordingly did forward it in the course of a few days; that on the 13th of November, 1793, previous to the present meeting of Congress, Mr. Hammond was desired by the Secretary, in pursuance of a charge from the PRESIDENT, to let him know whether an answer could yet be given to the letter of May 29, 1792. Mr. Hammond replied that it could not, but he was confident the delay was to be ascribed to the continuance of the cause alluded to in a former answer to a similar request.

The cause alluded to was the interesting posture of things in Europe, which, it was said, had diverted the attention of the British Government to objects of a more pressing nature; and this consideration had been urged by several members as an apology for the silence observed towards the United States. Mr. MADISON thought very differently. The interval between the receipt of the letter written by the Secretary in May, 1792, and the accession of Great Britain to the war against France, had been sufficient for the purpose of preparing and sending the proper instructions to Mr. Hammond. Mr. MADISON added, that the prospect of being engaged in new controversies of a more serious kind, instead of justifying an inattention to an existing one, ought to have quickened the efforts for a previous settlement of the latter. This is the course dictated by prudence to nations as well as to individuals, and, where a right disposition concurs, it is the natural course.

It had been mentioned, as a further reason against the commercial propositions at this time, that they might draw upon us the resentments of the combined Powers. Mr. MADISON could see no ground for such an apprehension. The combined Powers were pretty fully occupied with France. They could have no pretext for concerning themselves with us, in a case where we did not concern ourselves with them; and there was the less room for imagining that the combination could misconstrue the measure into an offence against them, as two of the parties, Prussia and the United Nether-

lands, were in treaty with the United States, and are favored by the propositions.

7. It was finally contended that, admitting our situation to be such as had been described, the mode proposed was an objectionable one.

Mr. MADISON said he had no predilections for the mode, that could prevent his giving a ready preference to a better, if a better should be offered. And unless it should be said that the Legislature ought to adjourn without doing anything for the public relief, he thought it incumbent on those who objected to one proposition to substitute another that would be less objectionable. By this he meant a proposition not merely better in itself, but one that would probably be thought so, both within and without doors, and be more likely to coincide with the sentiments of every part of the Union, as well as to conciliate a majority of voices in the public councils.

The first question, he said, was whether anything ought to be done. If this be decided in the affirmative, as he presumed to be the sense of a majority of the Committee, and if war was not in contemplation, as, of course, was taken for granted, the next question could only lie between negotiation and commercial regulations. Negotiation, it had been shown, was in no train or prospect that could justify reliance on it. Commercial regulations alone remained. They would be pacific in their operation. They were the means best suited to the temper of our constituents; and he sincerely believed that, if judiciously framed, they would be more likely to answer the reasonable purposes of the community than any others that could be proposed.

Mr. S. SMITH, of Maryland, addressed the Chair as follows:

Mr. Chairman: I shall make no apology for again taking up the time of the Committee in the discussion of a subject in which the best interest of America is involved—a discussion which has greatly instructed my mind, and which will tend to remove prejudices from others as well as it has from myself; for I will confess that, until the present subject had been discussed, I had conceived that the trade of America had struggled with many difficulties arising from the permanent commercial system of Great Britain; the inquiry has reduced the disadvantage on our commerce to one solitary object—that is, we are not permitted to carry our produce to the West India Islands. Nor shall I make any apology for following immediately after a gentleman of such powerful abilities; I shall not enter with him into a calculation of what value of our indigo imported into Great Britain is again exported when it composes the blue dye of their cloths, nor what value of our pot ash is exported from Great Britain after it has enhanced the value of their bleached linens. It is sufficient for my country that those articles have there found the best markets. It matters not the seller what the buyer does with the article, provided he pays for it. My habits in private life have led me to submit every proposition of gain to calculation; I use the same rule in public life. I asked what commercial advantage arose

from the treaties? I see none but reciprocal protection and security. I asked what permanent disadvantage to our commerce from Great Britain, (the Power aimed at?) I am answered, the carrying trade to the West Indies; on which subject I will now address the Committee.

It is worthy of inquiry to know the advantages given by the different nations having Colonies in the West Indies, and the disadvantages arising to us from their restrictions. In the general term of West Indies I shall include the sugar Colonies on the Continent; and, first, Portugal permits no kind of intercourse with her Colonies of Brazil; she supplies them with flour from her own mills. Holland permits our provisions to Surinam and Demarara, but prohibits us from carrying from thence anything but molasses and rum. The consumption of provisions is but trifling. Spain excludes us from her Colonies, except in time of war, like the present, when she permits (by particular permission) the flour of this country, and allows our returns to be made in all the produce of the island. She supplies her colonies from Cadiz with our flour, and wheat she imports from France. Denmark permits our ships and cargoes of flour, meat, lumber, corn, &c.; and allows our returns to be made in any of the produce of her islands. From them we are supplied with a great part of the sugar we require.

[Here Mr. MADISON said that, by the return of the year 1791, the Danish Islands only supplied two millions of pounds of sugar.]

Mr. SMITH. I admit what the gentleman has said; for two years the crop at St. Croix had failed; but I still assert that, in common years, our great and certain supply of the best sugars is from the Danish Island—I mean in times of peace and tranquility. I will here observe, that Denmark, from whom we receive such marked favor, is implicated in the punishment these resolutions intend to inflict. France permits us, in times of peace, to carry in our ships to her West Indies fish, beef, live stock, and lumber, and to take our returns only in taffia and molasses; she prohibits our pork and flour, except in times of war and scarcity, when she permits us to carry both, and did permit us to make our returns in any of the Island produce, until the decree of the National Convention of March last, which limits our returns of sugar to one-tenth, and of coffee to one-fiftieth of our tonnage.

And here, Mr. Chairman, let me observe, that Republicans know their own interest better than Monarchs, and I quote their own decree to show it. France, regenerated France, will never admit you freely into her West Indies; if she would, I would give her the restriction proposed. But, sir, France can supply her own Islands with flour; it is her interest to encourage her own farmers. So far from expecting to supply France with flour, you must expect to meet her as a rival in that article in the markets of Europe. In that of Spain she has always been your only competitor, with a decided preference in favor of her flour. Then why calculate on France as a market for your flour? France gave orders for flour in 1772 from

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

this country, but required no assistance from that period until 1787. As a proof that France will not give up her Colonial system, I will read you a part of two paragraphs from the report of the Navigation Act, by Mr. Barrere :

"The navigation of the Colonies, which entwines our seaports, and gives motion to all the works of industry, was participated in by foreigners, and we were calm spectators."

Again :

"To carry on ourselves the navigation of the Colonies is to profit by the abolition of our custom-houses," &c.

Here Mr. S. was requested to read the third article of the Navigation Act, which he did, but was still of opinion that it did not, and would not, alter the Colonial system. It only went to the prevention of foreigners carrying anything but their own produce or manufactures, but gave no security to the admission of our trade freely to her Colonies. The introduction and explanation preceding the act showed clearly that they meant still to have the monopoly of the Colonies. Great Britain draws from us in her own ships (only) all the flour, livestock, lumber, Indian corn, rice, &c., that she wants for her West Indies, and gives you sugar and rum in return. The flour, we are informed, amounts to from 45,000 to 60,000 barrels per annum, which might be carried by 12 to 15 brigs of 1,000 barrels, making each four voyages per annum. Shall we, then, quarrel with her because she will not employ our vessels to carry, when she takes from us so large a quantity of the produce of our lands? Can this be the interest of the farmers or millers of this country? If merchants supported this measure, they might with truth be said to be interested. She, in time of war or scarcity, permits our ships to carry to her Islands. It is said that Great Britain can obtain supplies of flour, &c., from no other country. It is true she now depends on the United States for supplies; nor do I wish to relieve her from a dependence that assists to secure to us her peaceable conduct; I doubt that policy which would induce us to push nations to the necessity of exercising their industry to supply themselves elsewhere with provisions. I have already stated that Portugal, during our Revolution, was compelled by necessity to erect mills, and has ever after refused to admit your flour. I will give another instance: Ireland, being cut off by our war from her usual supplies, turned her attention to farming; what has been the consequences? Why, she has become an exporter of wheat, and actually exports this year more than would supply the whole English West Indies. Suppose those resolutions should pass—may not England reject your flour (as France, Spain, and others do) and thus encourage the Irish to erect mills? At present, it is no object—for their flour would meet ours in competition. But remove ours, and what the consequence would be, must appear obvious.

The gentleman has said, that Canada can give no supply of wheat or flour. He quotes Lord Sheffield's book, written in 1784, for the government of our opinion in 1794; and he tells us that

Canada is compelled to take her flour from the United States, and quotes the year 1791, when, from the wetness of their seed time, (in Spring) they had not been able to sow—one solitary year! As well might I say, that Philadelphia and New York took their supplies from Quebec, because a few years past, they actually bought large parcels of wheat there.

Sir, I well recollect in the year 1773, to have met wheat from Quebec in every port of the Mediterranean. In Barcelona, there were 50,000 barrels from thence for sale at one time. In future, Lower Canada will have no cause to fear, even if her Spring should be unseasonable; for Upper Canada sows the fall wheat, and last year actually (as I am informed by an American gentleman from Montreal) sent for exportation 300,000 bushels of wheat. The ordinary export from Lower Canada is 3 to 500,000 bushels. The same gentleman informs me, that the English companies, whose capitals are immense, have begun to erect mills. I ask if England, with those and other means in her power, may not be able to supply her West Indies? Sir, I say there is great cause to fear she will make the attempt.

The result of these observations is, that the general Colonial system of Europe is to monopolize to the Mother Country all the supplies she is capable of making, and particularly the carrying trade. France and Spain excludes your flour from their Colonies, and, of course, your carrying it. England takes all the flour her West Indies require, but reserves the carrying for her own vessels. I ask, then, which Colonial system, that of France and Spain, or that of Great Britain, promises most advantage to the farming and milling interests of this country? I ask, would any prudent nation risk the certainty of supplying 60,000 barrels of flour per annum, for the uncertainty of forcing Great Britain to permit us to carry it? The gentleman has stated that the favors to our trade in Great Britain, are only the same we enjoyed when Colonies. The continuing those favors to us when independent, certainly does not show any enmity towards the United States.

Mr. S. said, that he had already stated that the American tonnage had increased as rapidly as the capitals of our merchants and the number of our seamen would permit. But to be more particular, he would submit a statement of its progress, since the first year, of the advantages proposed by the existing laws, took effect; taken from the documents now before the Committee :

Account of all the tonnage entered in the United States, in the years 1790, 1791, 1792.

	Tons.
1790, American vessels,	479,091
1791, do do	501,790
1792, do do	563,283
1790, Foreign vessels,	253,919
1791, do do	240,799
1792, do do	244,263
1790, Increase of American,	—
1791, do do	22,699
1792, do do	66,493
1790, Decrease of Foreign,	—

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

1791, Decrease of Foreign, . . .	17,128
1792, Increase of Foreign, . . .	3,464
Total increase of American entries in two years, . . .	89,192
Total decrease of Foreign, in the same time, . . .	14,656

By this statement every member will see how rapidly our tonnage increased in 1792. Our merchants then had felt the advantages deriving from the existing laws to their shipping, and had completely risen from the languor occasioned by the insecurity under the former Government. The ship-builders, and the various useful mechanics necessary for the promotion of commerce, had again collected to the seaports, and met with full employment.

It appears that in the year 1792, there was a small increase of foreign tonnage; but did this arise from an increase of British tonnage? No, sir, on the contrary, it will appear, by examining the document for 1791 and 1792, that the British tonnage decreased 5,619 tons, and that the increase arose from the French, who in 1791 supplied but 8,941 tons; in 1792, their tonnage amounted to 24,017 tons. Whence, Mr. Chairman, arose this sudden increase of French tonnage? Why, regenerated France made a stroke at our carrying trade, that proved a complete monopoly to herself of the carriage of all our tobacco wanted in France in her own ships; this she effected by laying a duty of twenty-five livres per cwt. on tobacco imported into France in American bottoms, when that imported in French ships paid but eighteen livres, making a difference of about 46s. 9d. sterling per hhd., when the usual freight of a hhd. of tobacco was but 32s. 6d. sterling to France in times of peace.

Mr. S. then asked, Has Great Britain laid any such discriminating duty? If she has, he would readily give his consent to retaliate. It will be conceived that 206,000 tons of British shipping entered in our ports, was still too great a proportion out of a total of 812,546 tons; but did this arise from the trade to her European Dominions from America? No, sir. It arose principally from her vessels employed to her West Indies, whose entries were three to four times per annum, and to her ships employed to the Mediterranean, for account of her own merchants. American ships cannot go there for fear of the Algerines; you, therefore, ought to be pleased at the competition that arises from their purchasing for the Mediterranean markets. A demand is created thereby to the great advantage of our farmers.

From experience, he would venture to say that nearly the one-half of all the American produce actually landed in Great Britain, is carried in American ships, and nearly the whole that is imported from thence. Is it not, therefore, unreasonable, Mr. Chairman, to repine because we have not the whole? It now becomes a subject of inquiry, to know how our own ships are employed. It appears by the document that there were employed from the 30th September, 1791, to the 30th September, 1792, to the ports of the Powers in treaty with us, actual tonnage, 145,295; to those not in treaty, actual tonnage, 143,099. Nearly an

equal number of tons to each description. It ought to be observed that in that year there were 67,130 tons employed to the French West Indies. Only a small part of which ought to be counted on in times of peace. But for argument's sake let us adopt the statement as it stands; and what will be the consequence if the proposed discrimination should be adopted? Your third resolve proposes lessening the duty of tonnage on the ships of Powers in treaty; your fourth proposes raising the duty of tonnage on the shipping of Powers not in treaty. What advantages are to derive to the American shipping from those two resolutions? He could see none; but, on the contrary, he thought it fair to suppose, that the Powers aggrieved would retaliate, and what then would be the consequence? Why, 143,000 tons of our shipping would be subjected to pay twenty-five cents per ton, say, \$35,750 per annum, by the resolutions, without any possible advantage promised by the system to our own shipping.

Mr. S. begged leave to submit one other observation, which ought to have weight. The document already referred to shows that 61,889 tons of American shipping were employed to England and her European dependencies alone—when to the European ports of all the Powers in treaty there were employed the same year but 26,790 tons. Why, then, would you risk a ground so dangerous, so delicate, as that of discrimination? It has been said that Spain and Portugal are not their own carriers, and therefore will not feel themselves offended. It is true they do not carry all they want from us, but they employ enough of their shipping to our ports to feel the affront. In 1791, they entered 9,098 tons. France the same year entered but 8,982 tons in our ports. Denmark, who is to feel the effect of those resolves, in 1791 entered 1,619 tons of their shipping, when Sweden, who is to be relieved, entered but 361 tons.

The result, then, sir, of this inquiry is, that no possible good can accrue to your navigation from those resolutions, and that much probable injury may take place from the retaliation of the Powers who cannot but think themselves aggrieved.

Mr. SCOTT said, that the subject might be reduced to a few simple questions; first, are we in such a situation as we have a right to expect? If this be answered in the negative, the second question is, can we better our condition? And third, are these resolutions the proper remedy? One leading feature in the Opposition is, that we ought to separate commerce from politics. This was impossible. It was curious to observe the opposite ground upon which these resolutions had been opposed. One set of gentlemen said, that they were so comprehensive and so formidable, that they would at once plunge us into a war with Britain. Another said, that they were such a milk-and-water piece of stuff, that Britain would look on them with a smile of contemptuous pity. He believed that Britain would submit to many restrictions and disadvantages, rather than give up our trade. Some gentlemen had said, that we did not consume to the value of more than two millions sterling; but, say that it was ten millions of

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

dollars. The United States contain four millions and a half of people. Upon an average, their bedding and clothing was at least ten dollars each per annum. All the manufactures we had from Britain, supposing that they consisted of nothing else but clothing, were only ten millions, and the other thirty-five millions were manufactured in the country. But as in fact not more than one half at the very utmost of the importations from Britain, were of clothing of any kind, so, not more than five millions out of the forty-five, or one ninth part of the whole, was furnished from Britain. This demonstrated that, as to cloth manufactures, we were not in that humiliating state of dependence in which some people were so fond of representing us to be.

Mr. SMITH, of South Carolina, said, before he entered into a consideration of the arguments of the gentleman from Virginia, he should avail himself of the opportunity of correcting some misstatements of his own arguments, which had been made by that gentleman.

He had been represented as having stated it as a favor to this country, that Great Britain admitted our productions into her West Indies. Mr. S. said, he had only stated, that the exclusion of the productions of all other countries, was a preference given to ours, which was not given by the commercial system of France. He was also represented by the gentleman, as having argued, "that the United States ought not to complain of the usage of Great Britain, if she used them as well as other nations;" whereas, Mr. S. said, his reasoning went to show, that her commercial system placed us on a better footing than it did other nations. Again, he was made to say, by the gentleman, "that if Great Britain used us ill, she likewise used every other nation ill, and we therefore ought to bear it patiently." Mr. S. declared, he had said no such thing; he had argued only that the exclusion of our vessels from an indirect commerce with her, and from the entry into her Islands, was a part of her Navigation Act and Colony system, and extended to all other nations as well as the United States.

The gentleman, in adverting to his having taken for the epoch of his comparative view, the period antecedent to the pending French Revolution, as the settled order of things, had attempted, by an uncandid distortion of his argument, to wrest his reasoning from a commercial to a political subject, for the purpose of representing him as deeming the Monarchy of France the only settled order of things. It was true, he had confined his view of the two commercial systems to that epoch; in this he had only pursued the ideas and spirit of Mr. JEFFERSON himself, who, speaking in his report of the recent alterations in the condition of our commerce, says, "to have described all these, would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, the Summer of 1792." Mr. S. observed, that France was at the time a

Monarchy, and he had been governed by the same idea as the Secretary of State, in stopping at that period, when a state of Revolution gave birth to changes in her permanent system, and induced deviations from what would be the ordinary course of things.

The propriety of limiting the view to that epoch was obvious, from the concession of the member himself, who, having stated that American vessels were permitted to be naturalized in France, and being informed by Mr. S., that the first National Assembly took away that privilege (as mentioned in the report) had been compelled to acknowledge the existence of fluctuations in her system since the Revolution. This view of the subject, Mr. S. said, was more favorable to France than one which should embrace the present period, her ancient commercial system being on the whole more favorable to this country than it is at this time. He had been also represented by the same gentleman, as "having admitted that it was a hardship to have our trade monopolized by one nation, and having at the same time advised to make no efforts for putting an end to it." This was directly the reverse of his sentiments, which was, "that it was advisable not to depend on any one nation for our necessary supplies, but that the proper remedy was by a mode, not the objects of the resolutions, nor contemplated by the report, namely, an efficacious system of encouragement to our own manufactures, and not subjecting our citizens to the expense of premiums for the encouragement of those of other countries."

Mr. S. then proceeded to take notice of Mr. MADISON's arguments. The gentleman had said that wheat and flour were admitted by a standing law duty free into the French West Indies. The report states the contrary to be the fact. "France," says the report, "by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and maize, and prohibits our other bread stuff."

The gentleman had been much displeased at his having commented on the omission of the Secretary of State to mention, that, while the tobacco of the United States paid in Great Britain a duty of 1s. 3d., all other foreign tobacco paid 8s. 6d. As an apology for that omission, (which Mr. S. could not but deem material, especially as the Secretary laid great stress on other duties,) the gentleman had alleged that the circumstance was perfectly immaterial, inasmuch as the duty of 1s. 3d. was itself so high as to diminish the consumption, and inasmuch as there was no other country which could be our competitor in that article. To this he answered, first, that tobacco being an article not of necessity but of caprice, and being consumed in small quantity by each individual, a high duty could not be felt; secondly, that tobacco was obtainable from other countries. It appeared, from documents of authority, that in the years 1744, 5, 6, the imports of tobacco into Great Britain had been annually about 62,000 hogshheads, of which only 44,000 were from the American Colonies, the residue, 18,000, being from other countries.

From the same documents it further appears, that in 1774, Great Britain imported from the American Colonies 96,000 hogsheds, which was nearly the whole of the tobacco she imported that year. The inference resulting from this circumstance is, that the difference of duty in favor of American tobacco had then destroyed a competition which did before exist. He admitted that this discrimination of duties in our favor was a relic of her Colony system, but its object was to encourage the growth of tobacco in this country by giving to it a monopoly of the British market, and it appeared that this object was obtained; and it was to be inferred, that a continuance of the effect was procured by a continuance of the system. If we have not much competition now, it does not follow that it might not arise. What is there to hinder its being raised on equally good terms in any quantity in any of the Southern parts of this Continent in possession of the different Powers of Europe, Spain, Portugal, and Holland?

Portugal, it had been said, could not be our competitor, for she received our tobacco. The report says that it is prohibited. He understood some small quantity had been smuggled to that country; it was certain that only 62 hogsheds had been exported thither the year before last, and only five the last year. In comparing the footing on which our commerce stood with France and Great Britain, the gentleman had dwelt on particular circumstances. This was not a fair mode of comparison. The question ought to be an aggregate one; are we as well, upon the whole, with this or that country? If we are, we ought not to deal out a worse measure to one than to another. The indirect commerce which Great Britain denies us, and which France till lately granted us, is not at present very material to us, as we could not multiply our navigation enough to derive great benefit from it, without injury. To divert our capital from more profitable branches to the mere carrying trade would be unwise; it is desirable only to a country like Holland, of little production and great capital; but even France now excludes us from the indirect commerce with her by her late Navigation Act. The systems of the two countries, then, in respect to navigation in Europe, stand precisely on the same footing; and in respect to their West Indies, the war has let our vessels into the British, as well as the French Islands, and there can be little doubt that our right to send our vessels to the French islands will terminate with the war.

To depreciate the discrimination in our favor in the British islands, by the exclusion of the produce of other nations, the gentleman had said the exclusion was only a matter of form and a remnant of the old Colony system.

Mr. S. said, this was no answer to say it was a remnant of the Colony system. That system aimed at peculiar privileges to the national dominions; as for as we, being foreigners, still partake of those privileges, it is to our advantage. Suppose under that old system we had continued to enjoy the right of navigating to the islands, would it have been a disparagement of the right

that it was only a remnant of the old Colony system? Neither was it true that it was only matter of form, and of no consequence. Though we can in general supply the islands better than other nations, it does not follow that others could not supply at all. The French Colonies could not get flour on as good terms as we can furnish them; yet that article was prohibited, and in general they were supplied from France. So, though in general the British Colonies could not be supplied equally as well as from us, yet in years of scarcity in this country, and of plenty elsewhere, a competition might injure us. Why could not rice, in particular, be supplied from the Portuguese Dominions in competition with ours?

Much reliance had been placed by the gentleman on the disproportion of American and British tonnage employed in the commerce between the two countries. He had stated that in 1790, the British tonnage was 211,000, the American only 43,000. But Mr. S. observed, the comparison was not accurate; the rule pursued by the gentleman was entry, not real tonnage; and as we have no direct tonnage with the British West Indies, from which entries are frequent, the British tonnage is swelled by that frequency of entries, as happened in the case of the American tonnage employed between the British and the French Dominions. The House having no materials before them, it was impossible to pronounce how far this circumstance varied the true proportion, but it was easy to see that it must do it greatly.

Arguments had been likewise drawn from the greater proportion of our tonnage employed in our trade with Spain, Portugal, &c.

Mr. S. thought the principle of comparison was a proof of nothing, except that Britain was a more navigating power than the nations in general with whom we have commerce. It was no test of the system of either. This was evident when we compared the proportion of our tonnage with Britain, and with Spain and Portugal; for, as the latter, equally with Britain, excluded us from their Colonies, their systems were essentially the same. But Britain has extensive means of navigation, Spain and Portugal slender means, so that while our bottoms were the principal carriers between those countries and us, Britain maintained a competition with us in the trade between her Dominions and us. But could it be proved that this was either avoidable in the present circumstances of the country, or that we ought to attempt to avoid it by violent or forced expedients? The navigating States in the European trade between the British Dominions and the United States preponderate greatly in the article of tonnage. Great Britain may have the advantage in the non-navigating States; this arises in a great degree from a cause which navigation laws cannot cure—the superiority of capital. The merchants of Britain can supply on long credits, what those of our navigating States cannot; they have more means to purchase and export the commodities of the South; from both causes they carry on a considerable part of the Southern trade, and they make their own shipping the instrument of it. No means calcu-

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

lated to multiply our vessels can, under existing circumstances, obviate this course of things. But the remedy of violent and forced expedients would be pernicious, if it could be successful. It would divert our capital in too great a degree from the better to the worse business; from agriculture, commerce, and manufactures, to mere navigation. The true course, he thought, was to foster our navigation by gradual and moderate encouragements, and to expect, from time and the increase of resources, the advantages of which we were solicitous. In the mean time, and till our resources could be better matured, it would be difficult to demonstrate that it was not a convenience to us to have the aid of foreign means. Mr. S., to strengthen his argument on this point, quoted a passage from Mr. JEFFERSON's letter to Mr. MORRIS, the Minister in France, in the printed correspondence, page 63, in these words:

"Were the merchant vessels coming for our produce forbidden to have any arms for their defence, every adventurer who has a boat, or money enough to buy one, would make her a privateer; our coasts would swarm with them; foreign vessels must cease to come, our commerce must be suppressed, our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away, our ploughs must be laid aside, and agriculture suspended. This is a sacrifice no treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term privateer."

He begged the Committee to remark, that this related to a British ship, and that they were the principal foreign carriers of our produce; yet the tendency of the gentleman's propositions went to exclude them from our ports. We receive from Britain, said the gentleman, whatever she pleased to send us, while she refused our principal staple. Mr. S. denied both these positions; they were not founded in any sense. 1. The staple alluded to was flour and grain. This the regulations of Britain excluded from her home markets, except in cases of extraordinary demand; but in her West India markets the staple was free, so that the assertion was much too general. Our flour and grain were admitted in those of her markets where perhaps it most interested us that they should be, where the demand was constant; they were subject to impediments in those of her markets where the demand would, from the nature of things, be only occasional; while France, on the contrary, by her permanent system, received this article only in her home markets, where there could be no demand for it in ordinary times, and excluded it from her West India markets, where there would be a constant demand. 2. It was not true that we received indiscriminately the manufactures of Britain. We endeavor to exclude, in the same sense that she excludes our flour and grain, (*viz*: by prohibitory duties,) all of them that we think ourselves able to supply ourselves with, for instance, candles, cheese, soaps, nails and spikes, steel, cables and cordage, boots and shoes, and, indeed, the manufactures of leather generally, beer and porter, and many other articles. The gentleman was astonished at the vast prevalence of Bri-

tish manufactures in the United States. But there was no ground for astonishment to those who attended to facts. The true and natural reason is, because Britain furnishes better, as to quality and price, than any other country, most of the more solid and useful kinds of manufacture, and those of the most extensive consumption; generally speaking, she was rivalled elsewhere only in luxuries and fripperies. Mr. S. said, if the gentleman had been astonished, he had been no less so at the idea of excluding British luxuries for French manufactures; from the best information he had obtained, the most solid and useful articles came from Britain, the frivolous, luxurious, and unnecessary ones, from France. He had procured from a merchant trading with France a copy of an order for a French cargo, such as is usually sent, and it supported him in his assertion. Mr. S. read the order, which consisted of fans, cambrics, lawns, lute-strings, modes and satins, silk stockings, shoes, shoe-patterns and slippers, walking-canes, watches, feathers and flowers, gloves, laces and edgings, ribbands, tiffany, crape, hair powder, human hair for braids, combs, essences, perfumery, sweetmeats, mirrors, made-up millinery, gold and silver thread and spangles, gold and silver cord, ornamented fancy time-pieces, silk velvets, umbrellas, &c. These were the substitutes for the manufactures of iron, steel, wool, cotton, and leather, which the gentleman wished to exclude by the duties contemplated in his propositions.

The balance of trade was said to be against us in our trade with Britain, and in our favor with other nations. Mr. S. said, the ideas advanced as to this point were of the last century, and were now exploded by all enlightened politicians. The only sense in which the question could be interesting to us, respected the balance of our whole trade with all the world, not with a particular country. It was immaterial whether it was against us in this country, or in our favor with that; the inquiry should be, how it stood upon the whole? And, for it to stand well upon the whole, the best expedient, as it regarded our internal commerce, was, to get what we want where it could be obtained cheapest and best, and to have as great a choice of markets as possible for what we have to sell, by which means we secure the best price. Measures tending to change this course of things were the best that could be devised to render the aggregate balance disadvantageous to this country. Mr. S. illustrated his position by the following statement: Suppose the whole amount of our imports to be as 200, Britain furnishing 150, France 50; suppose our exports also equal to 200, Britain taking 150, France 50; here the balance of our whole trade, according to the rule adopted, would be equal. Suppose Britain furnished her manufactures ten per cent. cheaper than France, and that regulations were adopted which should have the effect of equalizing our exports and imports to and from both countries; Britain, in this case, would furnish only one-half of our imports, which would cost us the same as before; but France would have to furnish us with an addi-

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

tional quantity equal to what cost in Britain formerly 50; but, as commodities with her, by the supposition, are ten per cent. dearer, the same supply would now cost 55. Our account of imports and exports would then stand thus:

IMPORTS.

From Britain	-	-	-	100
From France, former supply	-	-	-	50
Additional supply of 50, transported from Britain, costing ten per cent. more	-	-	-	55
				<u>205</u>

EXPORTS.

To Britain	-	-	-	100
To France	-	-	-	100
				<u>200</u>

Here it is evident the excess of imports to exports, on the same scale of supply, would be as five, so that what is called the balance of trade, before equal, would now be turned against us in the proportion of five. Thus the notable plan for giving us a more favorable balance of trade would end in rendering it less favorable, by diverting us from those sources where we can get supplied on the best terms, to others where we should be supplied on worse terms. Great Britain, the gentleman had assured the Committee, would not dare to contend with us, because we could, by our regulations, turn 250,000 of her manufacturers out of employ. But would not those regulations, and the counter-regulations which might be adopted, operate injuriously on a much larger number of persons in the United States? Would not all the owners and cultivators of land suffer materially by the loss of the best market for half of our whole exports? The evil to Britain would be partial, to us general, depreciating the whole landed property of the country. If there were expected a clamor in Britain which was to drive her Government into a repeal of her Navigation Act, we ought to anticipate a clamor from our farmers and landholders, when they found their produce rotting in warehouses, and were compelled to pay twenty-five per cent. more for their necessary supplies. When the gentleman stated the causes of failure of the attempt, in 1784, by separate States, to regulate our foreign commerce, he had imputed them entirely to the want of a Federal Government. But Mr. S. was of opinion that they were principally ascribable to the diversity of local interests and habits in the States. Did that diversity less exist at this time? Would it not produce similar effects? And would not regulations which might be pleasing to some parts of the Union prove so intolerable to others that they would not cease to complain till they could effect a repeal of the grievance? As far as the fact, then, with regard to past experiments, could guide, it was against the proposition. Former regulations produced inconvenience, and were abandoned. So jealous were the Southern States of this power in the hands of Congress to regulate trade,

that the delegates of some of them would not accede to the present Constitution, until it was stipulated that the consent of two-thirds of the Senate should be necessary to the formation of treaties. It was not, however, true that 250,000 British manufacturers would be thrown out of employ. Our supplies would still consist of British manufactures, though circuitously obtained, as admitted by the gentleman himself, and at dearer rates, because we cannot fill the chasm ourselves, and there is no other country which can. But we are to starve her West India Islands. Those who felt an abhorrence at the attempt on the part of the combined Powers to reduce the French by starving them, now viewed with composure the prospect of reducing the British nation to our own terms, by starving the inhabitants of the West Indies, who at least are innocent of the charges preferred against the Mother Country. Mr. S. was satisfied the American character was not of a nature to tolerate such a project as that of starving the inhabitants of the British Islands. The philanthropy of our fellow-citizens would urge the repeal of any law producing such dire effects. Nay, the member himself would be prompted by his humanity to be among the foremost to repeal it. But the idea was extravagant. We want to sell, as much as they to buy; if they could not obtain the requisite supplies elsewhere, they would go to them circuitously from us.

A pleasing picture had been drawn of the benefits which would result to our navigation by a transfer of our commerce from Britain to France. The actual quantity of our tonnage for a year ending 30th September, 1792, with the different Powers, Mr. S. stated, as follows:

With the Dominions of France	-	-	82,510
With those of Great Britain	-	-	66,582
With those of the United Netherlands	-	-	61,929
With those of Spain	-	-	28,408
With those of Portugal	-	-	24,869
With those of Denmark	-	-	12,216
With those of Sweden	-	-	1,856

From this view it appears that our actual tonnage is greater with the British Dominions than with those of any other country, except France, and it had been shown that this excess was adventitious and temporary. Our navigation with the European Dominions of Great Britain was 60,889 tons; with those of France only 14,777, that is, more than four to one. This difference might be considered of a permanent nature; that which was derived from Colony advantages, as precarious and temporary, because contrary to the general principle of the Colonial policy of all the European nations, and contrary to the very principles of the new French Navigation Act. The gentleman had ascribed our late increase of navigation to temporary causes. It would, however, be found to be principally applicable to our trade with the British Dominions, and therefore not so, but the result of our regulations. In this respect our statements terminate with the year 1792, a period prior to the effect of any temporary causes affecting Britain. It had been said if we transfer our exports from Britain to France, we shall increase

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

our navigation ten-fold. But would a vote of the House make that transfer? Would it create a demand for our exports in France which did not exist? Why had she not taken a greater proportion hitherto? Was it not because she had not a demand for them? Great Britain, said the gentleman, could not obtain elsewhere the articles with which we supply her. Mr. S. examined this part of the argument under the different heads.

Wood, viz: masts, spars, timber, boards, staves. It was less than thirty years since Britain derived her supply of those articles almost wholly from other countries, namely, Russia, Sweden, Norway, and Germany. The latter, through Holland, supplied the greatest part of Europe with oak timber, pipe, hoghead, and barrel staves, in which we have less to fear from competition than in respect to other articles; indeed, without some extra advantages, we could not well maintain a competition with the countries on the Baltic, in the European trade of wood, owing principally to our greater distance, which makes the freight much higher from this country than from the Baltic; hence, probably, it is, that we ship so little to France.

Tar and pitch. Britain used formerly to derive her supply of these articles also from the Baltic, principally from Sweden, and the same might be the case hereafter.

Indigo. This can be had from the East Indies, from all parts of the West Indies, including the Colonies of the Spaniards, Portuguese, and Dutch, on this Continent; great quantities of it, and of good quality, are produced in St. Domingo and Guatemala.

Tobacco. This article is raised in the Ukraine and other Southern parts of Europe, in the Floridas, parts of South America, and in the West India Islands. It was true, the tobacco of this country was fitter for certain purposes than that of other countries. These particular kinds might find their way to a market otherwise sufficiently supplied, or even having a surplus.

Rice was formerly carried to Great Britain in great quantities from the Levant and the East Indies; some is raised in Spain and Italy. All the Spanish and Portuguese Colonies are fitted for it; a considerable quantity is raised in the Brazils.

Pot and pearl ashes. Less than thirty years ago Great Britain was supplied with this article from other countries, viz: Russia, Germany, Sweden, Denmark, and Spain. The barilla of Spain is said to be a substitute for it.

The gentleman, as well as others, had mentioned the baneful effects of the credit given by British merchants. Credit, like other good things, is liable to abuse. Dr. Franklin, who well knew the circumstances of this country, bequeathed a part of his estate to be loaned out to young tradesmen and mechanics. He thought well of credit, and his testimony of its utility ought to remove some of the prejudices against it. If credit had produced pernicious effects in Virginia, as a member from that State had represented, it was certain that it had produced wholesome effects in

other States. Why the same cause should produce such different effects in different parts, he should not inquire. As to its supposed influence on the borrowers, in creating an undue dependence, that remark had been well answered already. In truth, the borrower is, under certain circumstances, more apt to become the enemy than the dependent of the lender. An apprehension had been entertained by the gentleman that the existing commercial connexion with Britain would promote Monarchical principles in this country; and yet the professed object of the resolutions is to compel Great Britain to enter into a commercial treaty with us, and thereby strengthen and extend the commercial ties which already existed. The resolutions are, moreover, designed to induce the emigration to this country of thousands of British manufacturers, who will naturally bring their Monarchical principles along with them. But if a commercial intercourse with the Dominions of a Monarch are pregnant with such evils, we ought to abandon our trade with Spain, Portugal, and Russia, as well as Britain, and confine it to the Swiss Cantons and other Republics. Such apprehensions, however, he could not but consider as a poor compliment to the dispositions and character of the American people. They are too much attached to Republican Government and to their liberties to be exposed to the danger of losing either the one or the other by their intercourse with any foreign nation whatever. After some further remarks, Mr. S. concluded with saying, much apology is due to the Committee for having so greatly abused their patience; but when I consider that the proposed measures, unlike common Legislative acts, which can be repealed at pleasure when found injurious, must be deemed the corner-stone of a new Commercial Constitution, which, being once laid, we must, at all hazards, build upon or be disgraced, I am prompted by the strongest injunctions of duty to suggest every consideration which may induce the Committee to ponder seriously before they adopt them. My opposition is stimulated by a further consideration. Representing a district which includes an important commercial city, and a territory producing a staple valuable and bulky, many of whose proprietors have not yet emerged from the debts incurred by a ravaging war, and whose welfare depends on a ready vent for their productions, as well as a cheap supply of the indispensable articles of foreign manufactures, I feel a weighty responsibility on my mind on this occasion, and a peculiar solicitude to protect them against those embarrassments and distresses which appear, to my judgment, inseparable from the propositions, and which will operate against my constituents like a two-edged sword, by obstructing the export of their produce, and rendering more unattainable their necessary supplies.

When Mr. SMITH had concluded, the Committee rose and had leave to sit again.

THURSDAY, January 30.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

H. OF R.]

Appropriation Bill—Commerce of the United States.

[JANUARY, 1794.]

Gentlemen of the House of Representatives:

I lay before you the copy of a Letter from the Governor of the State of North Carolina, together with two petitions, to which it refers, and which I am requested, by the Legislature of that State, and himself, to transmit to Congress.

G. WASHINGTON.

UNITED STATES, January 30, 1794.

The said Message and papers were read, and ordered to lie on the table.

The following Message was received from the PRESIDENT of the UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

Communications have been made to Congress, during the present session, with the intention of affording a full view of the posture of affairs on the Southwestern frontiers. By the information which has lately been laid before Congress, it appeared that the difficulties with the Creeks had been amicably and happily terminated. But it will be perceived, with regret, by the papers herewith transmitted, that the tranquility has, unfortunately, been of short duration, owing to the murder of several friendly Indians by some lawless white men.

The condition of things, in that quarter, requires the serious and immediate consideration of Congress, and the adoption of such wise and vigorous laws, as will be competent to the preservation of the national character, and of the peace made under the authority of the United States, with the several Indian tribes. Experience demonstrates that the existing legal provisions are entirely inadequate to those great objects.

G. WASHINGTON.

UNITED STATES, January 30, 1794.

The said Message and papers were read, and ordered to be referred to Mr. FORREST, Mr. PICKENS, Mr. MEHANE, Mr. SCOTT, and Mr. CLARK; and that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. AMES, from the committee appointed, presented a bill providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States as may be found in want of support; which was read twice and committed.

APPROPRIATION BILL.

The House then went into a Committee of the Whole on the appropriation bill; the discussion of the several sections being finished, a motion was made by Mr. FITZSIMONS, to add another clause to authorize the PRESIDENT to make a loan, under certain restrictions, to provide for these appropriations.

Mr. MADISON objected to connecting the two subjects. This, said he, involves a consideration of ways and means, and ought to be kept distinct from that of appropriations.

Mr. FITZSIMONS conceived, on the contrary, the objects inseparable. There is no use in making appropriations without money to pay them. The surplus revenue amounts to nearly two millions, but the Treasury does not at present contain more than \$500,000, and a loan will, therefore, be necessary to anticipate the revenue.

Mr. CLARK observed that there was no necessity for a loan to pay the appropriation of the present bill, which provides only for the civil list.

Mr. MADISON concurred in the idea mentioned by the gentleman last up, and observed that the objects of appropriations, and ways and means, are so distinct, that it has been thought proper, essentially to separate them in the Constitution.

Mr. GILES conceived that a loan should not be entered into at least until the state of the Treasury is before the House. He was for deferring the proposition on the principles already mentioned.

Mr. FITZSIMONS drew a distinction between the subject of ways and means, and the object contemplated by the present motion, which he considered merely an anticipation of the revenue.

Mr. MADISON asked whether this money by loan is not to be procured by the payment of an interest of five per cent., and whether a tax will not be necessary to pay that interest?

Mr. CLARK assured the mover that he would side with him in his opinion, if he could satisfy his mind that this was not a subject of ways and means, and that the paper on the table would bring into the Treasury a sum of money without ways and means.

Mr. HILLHOUSE thought it dangerous to hazard the Treasury's being empty, and approved of the anticipation proposed.

Mr. GOODHUE considered the subject in this light. The resources of the Government are about sufficient to defray its expenses, but as it gives credit to the importing merchants, an anticipation of the revenue is necessary by loan.

Mr. SMITH, of Maryland, exemplified the same idea by reference to private life, and moved to postpone the present question for the purpose of obtaining necessary information from the Treasury.

It was then

Resolved, That the Secretary of the Treasury lay before this House an account of the moneys now in the Treasury, with an estimate of such further sums as may probably come into the Treasury before the first day of April next, and of the demands that will probably be made on the Treasury to that time; with a statement of the Domestic Loans.

After some further observations on the subject, the Committee rose and asked leave to sit again.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries; and after spending some time therein the Committee rose, and the House adjourned.

FRIDAY, January 31.

A petition of Thomas Pearson and others, proprietors of lands in the Territory of the United States, South of the river Ohio, was presented to the House and read, praying the attention of Congress to the subject-matter of a representation to, and certain proceedings of, the Legislature of North

JANUARY, 1794.]

Commerce of the United States.

[H. OF R.]

Carolina, respecting a claim of the petitioners to certain lands in the said Territory.

Ordered, That the said petition do lie on the table.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. FOSTER said: Upon the first statement of the propositions which have been so long under the consideration of the Committee, I was one of the individuals who had to examine the subject in the various lights under which it ought to be viewed, in order to form an opinion upon the necessity, the expediency, and the probable consequences of the adoption of the system which the resolutions contemplate. I have listened with unremitted attention to the debates, and have endeavored that a single observation of importance should not escape unnoticed. The resolutions, at first view, appeared important. On a critical and attentive examination, they do not appear less so. They confessedly involve a great variety of interests—interests of the highest magnitude—and, if adopted, will essentially alter the circumstances, the views, the commercial prospects, and the civil policy of the National Government.

The candor and ingenuity with which the subject has been discussed have given me great satisfaction. The arguments against and in support of the resolutions have been displayed in a manner highly gratifying to an inquiring mind. The variety of views in which the subject has been examined; its relative connexion with our agriculture, our manufactures, and the whole civil polity of the United States; the influence which the system would have upon our intercourse with foreign nations, and the probable effects resulting to them, more especially to France and Great Britain—have afforded much information; and I am happy in acknowledging my obligations to the gentlemen who have, with so much ability and precision, favored us with their sentiments. Much time, Mr. Chairman, has been already spent in the discussion. The subject is momentous and required it. The affirmative and the negative of the question have been ably advocated and ably supported. A general review of the arguments may not, perhaps, be without its use.

In support of the resolutions it has been urged—

That the measures of the tendency hereby contemplated have been long expected by the citizens of the United States.

That the regulation of our commerce was the principle which first induced the formation and establishment of our present Constitution.

That the adoption of the resolutions will probably excite a competition in foreign countries, as well as among our own citizens, operating to produce supplies of such articles as we may wish from other nations than those who now furnish us, and as an encouragement to the domestic manufacture of the same articles.

That they will tend to the increase of our navigation, enable us to obtain our proper share of the carrying trade, and enjoy those benefits and advantages to which, from our relative situation and existing circumstances, we are entitled.

That, by a pursuit of this system, we may injure the individuals, particularly the manufacturers, and, consequently, the Governments of other countries, and make our enemies feel the extent of our power, our abilities to injure them, and thence induce a proper respect for our rights and interests and our Government.

That the probable diminution of our revenues, from the possible diminution of our imports, would, in some degree, be counterbalanced by the increase of the duties contemplated by the resolutions.

That we are bound to obtain reparation for the injustice done to individuals of our own country by regulations contravening the Laws of Nations, made by some of the belligerent Powers; or, in default of obtaining such reparation, we are bound to compensate the damages which such individuals have sustained.

That provision is hereby proposed to be made for raising moneys to compensate, in the first instance, the individuals thus injured.

That leaving our trade to regulate itself is, in fact, leaving it to be regulated by foreign nations.

That jealousy and ill-will have always marked the line of conduct of Great Britain toward America. She has never executed the Treaty of Peace; she carried away our negroes; she detained our Western posts; she excited and encourages the Indian war; she has let loose the Algerines; she has violated our neutrality, and committed spoliations on our ships at sea.

That the balance of our trade with Great Britain is now much against us. This has produced, on her part, an extensive credit, operating as a grievance, creating a foreign influence, which pervades the mercantile and trading part of the community, may extend into our public councils, and have an undue effect on our Government.

That we have all the necessaries of life produced in our own country, and, consequently, have greater advantages in establishing such regulations, beyond what are enjoyed by a populous and manufacturing nation.

That, should the proposed system be adopted, and carried into effect, there is no probability of retaliation on the part of Great Britain. Should she be disposed, she cannot effect it. If the issue require self denial, we can endure the evil with the greater advantage, and may safely calculate upon a complete triumph.

That Britain is now at war with Republican principles, and our commerce enables her to prosecute that war.

That the balance of our trade with France has always been in our favor. That friendship and disinterested benevolence have ever marked her conduct towards the United States.

That gratitude to the French nation requires us to turn the current of our trade from Britain to them.

That the system contemplated by these resolu-

tions will induce France to confer on us additional favors.

And, finally, that, by withholding our commerce from Great Britain, we shall aid the cause of the French, who are at war against despotism, struggling for liberty and the rights of freemen.

In opposition to the resolutions, it is said—

That, though measures similar to those now contemplated, may have been heretofore expected, a necessity for their adoption does not now exist.

That regulations have already been made which have had a happy influence in increasing our commerce, our manufactures, and our navigation.

That our commercial advantages, our fisheries, our seamen, and our ships, have been progressively increasing since the adoptions of our present happy Constitution; that their numbers and growth are still increasing, and under the influence of the existing system, will continue to do so as rapidly as will be beneficial to the community.

That, although additional duties on foreign tonnage might encourage our navigation, yet the increase ought to be made with caution. A very great or undue proportion of American capital being vested in navigation would be hazardous, and, in case of a war, the loss would distress us extremely.

That an increase of our shipping beyond what is necessary for our importations, would be injuries. The surplus necessarily deducts from a capital which is wanted for other purposes, and may be more beneficially improved in the increase of our manufactures and agriculture. An excess of zeal to promote our commerce and navigation is more dangerous than a deficiency.

That it is the interest of the landholder that our trade should be free, and that foreign, as well as domestic vessels, should be admitted to our wharves, and permitted to receive our produce for exportation without restraint.

That, should additional duties be imposed, discrimination would be impolitic and unjust. The commerce of one nation ought not to be encouraged to the detriment of another. If there is no friendship in trade, it does not follow there must be enmity.

That, in establishing a commercial system, and forming a decision on the subject now under the consideration of the Committee, we should divest ourselves of political views. We ought not to suffer our resentments to influence us. The feelings excited by the consideration of the Indian war, the depredations of the Algerines, or the inexecution of the Treaty of Peace, have nothing to do with a subject which respects the regulation of our commerce only. To obtain redress for any political injuries we may have sustained, recourse, in the first instance, should be had to peaceable negotiations which would probably prove effectual.

That the object of the present resolutions appears to be a commercial warfare, which, in all probability, would be productive of one far more serious.

That the expediency of forming any commercial treaties may well be questioned. They necessarily connect us in the politics of Europe—a

connexion which can never be salutary for America. But, if commercial treaties are formed, mutual interest should be considered as the fundamental principle.

That the resolutions before us contain only an affectation of aiding our navigation, commerce, and manufactures. They will, in fact, prove detrimental to each of them, by producing a temporary stagnation, at least, of the one, and unavoidable embarrassments upon the other.

That high duties, by augmenting the prices of such goods as might be imported, would only operate as taxes and burdens against our own citizens, who are the consumers; at the same time answering no valuable purposes to us with the Government of Great Britain, against which they are professedly pointed, nor offering any particular encouragement to our own manufactures.

That the goodness of a market is to be determined by the relative proportion of the dearthness or cheapness of the articles sold or purchased; and that, on a comparative view, the commercial system of Great Britain is more favorable to us than that of any other foreign nation. With respect to our exports, she is, and ever has been, a better customer than France, in the ratio of two to one.

That the restrictions complained of were in existence previous to our becoming an independent nation. They are, in fact, a part of her Colonial establishment, and still operate only as they respect her Colonial dependencies.

That the industry of our citizens has been, and is nourished, by the aid of a foreign capital, for which credit is an excellent substitute. So far from being injurious, it is highly beneficial, and, in the present situation of our country, has a happy effect in the promotion of ship-building, manufactures, and agriculture. Admitting it was an evil, it is merely a municipal regulation, and altogether beyond the control of Congress.

That Great Britain is able to supply us with such articles as we want, in great abundance, and on better terms than any other nation. She has it in her power, and is willing to give us credit. The French cannot or will not do it.

That the influence of British credit on our public councils is chimerical. The falsity of the idea is apparent by the part taken and so ably supported by the respectable gentlemen who represent a part of the United States which has received the most extensive credit.

That, should we be deprived of this advantage, merchants of great capitals only could trade. A monopoly by the wealthy would increase the prices of the articles consumed, and the enterprise and industry of young men, who have need of credit, would be checked and discouraged.

That the faith of the United States has been heretofore pledged, appropriating the moneys raised by certain existing duties to the discharging of public debt. A system, like the one proposed, tending to the diminution of the amount of those duties, would be a breach of faith, disgraceful as well as unjustifiable.

That the conduct of France, as respects our commerce, our navigation, and our fisheries, has

FEBRUARY, 1794.]

Commerce of the United States.

[H. OF R.]

uniformly evidenced a selfish policy; and that we have no privileges to boast of in consequence of our present existing commercial treaty with that nation.

This, Mr. Chairman, is a summary view of the principal arguments which have been adduced on the one side and on the other of the important question before the Committee. Many ingenious calculations, observations, comparisons, and documents, fraught with information, and tending to elucidate the subject, have been offered. I have listened with attention to the whole of them, and on a careful review, it appears to me that this is not the proper time for us to introduce very essential alterations in our commercial system; that, be our wishes what they may respecting the issue of the present war in Europe, neither duty nor good policy will permit us to become parties—the strict principles of neutrality ought to influence our conduct; that the measures proposed would have a very bad tendency; that they would produce great inconvenience to our revenues; a temporary stagnation to our commerce; a future augmentation of the shackles under which it now labors; deprive our fellow-citizens of enjoyments which they have a right to possess; turn industry from its natural channel: induce a necessity of land taxes for the exigencies and support of Government; prove injurious to public credit; be ruinous to our agriculture, and, in the present crisis, might precipitate us into a war—evils which justice, humanity, true principles of patriotism, the duties of morality and the best interests of our country, require us to deprecate, and, if possible, avoid.

I have endeavored to examine and consider the subject with candor. I have formed my opinion upon serious deliberation, and feel an impression of duty, when the question shall be taken, to vote against the propositions.

The Committee now rose, and had leave to sit again.

MONDAY, February 3.

A petition of Thomas Pearsall and Elijah Peck, of the city of New York, was presented to me House and read, praying that an additional duty may be imposed on the importation of houns or hand-bellows, or such encouragement given to the manufacture of the said article in the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition, together with the petitions of the manufacturers of paint in the towns of Baltimore and Alexandria, and of the dealers in oil and painters' colors, which lay on the table, be referred to Mr. WATTS, Mr. COIT, and Mr. HINDMAN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Report from the Secretary of the Treasury on the petition of Winthrop Sargent; which was read, and ordered to be referred to Mr. HEATH, Mr. FOSTER, and Mr. MONTGOMERY; that they do examine the mat-

ter thereof, and report the same, with their opinion thereupon, to the House.

The House resolved itself into a Committee of the Whole House on the bill providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support; and,

Ordered, That the said bill be engrossed, and read the third time to-morrow.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries: When

Mr. SWIFT moved, that the first of the resolutions, which was then before the Committee, should be struck out.

Mr. NICHOLAS said, that the gentleman who had moved the resolution, and several other members, were not present; and he hoped for a delay, were it only of ten or fifteen minutes.

Mr. DAYTON said, that it was the business of members to attend in their places, and if they did not choose to do so, the House were not to wait for them.

Mr. GILES was of opinion, that, from motives of delicacy, the Committee should grant a short delay. He, therefore, moved that the question should be deferred.

Mr. FOREST considered that it would be unfair and unkind to take the question in the absence of the gentleman who proposed the resolutions. He, himself, if he stood in the place of that gentleman, must feel extremely hurt at such a thing being done to him; and he would not use any gentleman so, because he would not wish to be used so himself.

Mr. SMILIE, in all the public assemblies where he had ever been, had never been witness to any attempt like the present of taking the advantage of the absence of a gentleman to carry a question against him.

Mr. DAYTON replied, that he disdained any idea of this sort, and he did not care whether the gentlemen on the opposite side were to defer the question for a day, a week, or a month. He was willing to postpone it as long as they pleased. But he thought it a bad precedent, that any member, by choosing to absent himself, should stop the business of the House.

Mr. FITZSIMONS wished that the question might never be taken at all.

Mr. DEXTER spoke a few words to the same purpose. He did not think that the resolution had any meaning, at least he could not discover it; and, therefore, he did not think it worth while to take any question upon the matter.

Mr. CLARK said, that this was the thirteenth day which this question had been debated. The gentleman who was up last had, upon one of these days, engrossed the time of the House for more than an hour, and after having opposed the meaning of the resolution at such great length, he at last

H. of R.]

Commerce of the United States.

[FEBRUARY, 1794.]

made this wonderful discovery, that it meant nothing!

Mr. BOUNDNOT wished the Committee to rise.

Mr. W. SMITH regarded the precedent as a dangerous one. The absence might be intentional. Perhaps the gentleman now absent would likewise be absent to-morrow, although the question should be deferred.

Mr. SMILIE expressed himself much hurt, that the member [Mr. MADISON] should be so treated in his absence. It was a sort of usage that could not be forgiven. He reprobated the insinuation of the gentleman having fled the question.

Mr. WADSWORTH was sorry that the gentleman who spoke last should have been angry at the hint of members flying the question. It was certainly true that such things had frequently happened; and, therefore, it could be no harm to say so. There had been members on that floor who had fled the question. More than one, two, or three members had done so. There will be such characters in all ages and in all countries. A majority of the Assembly of Pennsylvania had once run away from a question. There were members who never could be brought to give a vote on a question of war. Congress had been sometimes forced to stop business for want of a quorum, on account of members flying a question. For himself, he looked upon it as a very bad precedent for the House to defer business on account of the absence of any member. He understood that he was this day to give his vote in a minority. He was against the resolutions for many reasons, with which he was acquainted before this debate began; and he was likewise against them for many reasons which he never heard till after the debate began. I know a member, said Mr. W. smiling, who is to give his vote against the resolutions, and who goes into the country this night. If the question is deferred this day, for the absence of one member, I shall try to get it put off to-morrow for the absence of this other member; and so I shall always be for putting it off till I can turn my minority into a majority.

Mr. FINDLEY rose in reply to what had dropped from Mr. W. about the majority of the Assembly of Pennsylvania running away from the question. [It was objected, that he was not in order, as he was not speaking to the question before the House.] Mr. F. replied that he was in order, as he was about to explain the nature of some facts which the gentleman had asserted. That if that gentleman was permitted to assert those things, he had a right to explain them, and appealed to the Chairman, who, as well as many of the members, acknowledged his right, and bid him go on.

Mr. F. said, that he doubted if the members had all as high a sense of honor, in standing their ground upon a question, as his colleague [Mr. SMILIE] had suggested, though he acknowledged they ought to have it. He alleged, that members thus absenting themselves, was not peculiar to Pennsylvania. That in the Assembly of that and other States, and even in Congress, members had sometimes withdrawn from questions respecting war, upon the account of religious scruples, and

had not, on that account, been censured. If it was wrong, it arose from the religion they professed. He expressed his surprise at the gentleman's assertion, that the majority of the Assembly of Pennsylvania had once run away from a question. That it must have been a very foolish majority, indeed, to run away from a question, which, by staying, they could have carried as they pleased. He supposed, however, that the gentleman was mistaken about the majority, and rather intended a circumstance peculiar to the late Constitution of Pennsylvania. By that Constitution, the Legislature, consisting of but one branch, two-thirds of the members were necessary to make a quorum. This, and the obligation to publish business of a public nature, from one session to another, were designed as checks to prevent party resolutions. In the early period of that Legislature, so many of the members as reduced the House below a quorum, frequently withdrew, to prevent hasty measures. On one occasion they withdrew to prevent a law from passing, without being constitutionally published for consideration. The doors being attempted to be forcibly shut, occasioned the affair to make some noise. Perhaps it was to this the gentleman alluded, but it was not a majority that withdrew. He said, that he admitted that in most cases the absence of members was a bad argument for delaying business, nor was it acknowledged by the rules of the House, but he thought that a regard to decency and propriety was always a rule. The present question had been debated for twelve or thirteen days in the space of about three weeks. The question had often been called for, but when any gentleman suggested that there was anything further to be offered, the question was delayed without opposition. That before the House adjourned on Friday last, the question appeared ripe for decision, but a member who had been much engaged in the debates, suggested that another member wished to be heard, and the question was delayed. That on Saturday it was expected that many members would go out of town who would not be returned so early this morning. Though he acknowledged the right of the House to take the question at any time, yet he wished for a decent exercise of that right. Though he thought the member had a right to change his mind and decline speaking if he thought proper, yet he could not approve of first delaying the question at the request that the members might be heard, and declining to speak in order to favor a surprise. Though the House might decide any time, it ought not to prefer the most improper time that offered during the whole discussion. He said the Assembly of Pennsylvania, to which such free allusions had been made, thought it indecent to take an important question on Monday morning, knowing that several members having left town on Saturday night, had not returned. To punish absent members in this way was a poor argument. It was not the members that were punished, but the constituents. He said he did not know which side of the House had most members absent; he only wished a fair and full decision.

Mr. CLARK observed, in answer to the gentle-

FEBRUARY, 1794.]

Commerce of the United States.

[H. OF R.]

man, that if they sat much longer on this question, he should have no feeling at all; for he believed they would all be petrified. He was for putting the vote immediately, that they might not be entangled in another debate of six days, to prove that the resolution meant nothing.

Mr. GILES rose and withdrew his motion.

Mr. MADISON had now come in. In answer to what had been objected against the generality of his resolution, he said that there were numerous precedents of that sort upon the Journals.

Mr. AMES replied to Mr. MADISON.

Mr. FITZSIMONS said, that he would vote against the first resolution; but some of the subsequent ones he approved. They had lost three weeks in debating upon the metaphysics of commerce. Let the resolutions be taken one by one. He hoped that the House would do something for the manufactures of the country. He was convinced that something might be done.

Mr. GILES said, that he would vote for the first resolution, but for some of those which went after it he would not vote.

Mr. MADISON spoke as follows: I owe many apologies to this House for rising so often, but since I rise only for explanation, I hope I shall be forgiven. I intentionally made the first resolution as vague as it is, and not more so. I regarded this generality of expression as necessary.

Mr. HEATH wanted the question taken, the gentlemen against the resolution were going off the question in a ludicrous manner.

Mr. DAYTON was against the resolution. The evasion was on the opposite side. The gentlemen for the resolutions were like some kinds of amphibious animals. If you attack them on the land they fly into the water; if you attack them by water they fly to land. As to the resolutions, he expected nothing but mischief from them. The people of the United States would set up manufactures. The restrictions would presently be taken off. British manufactures would pour in again. And those who had set up American manufactures would be reduced to beggary. The House would act in this case as the British House of Commons once did. They voted, "that the influence of the Crown had increased, was increasing, and ought to be diminished." But they had never acted up to this resolution, or done anything upon it. In the same way the gentlemen who vote for the present resolution will disagree to those that come after it. The business would end in nothing, and thus the House, by having adopted the first resolution, would make themselves ridiculous.

Mr. AMES said, the resolution was matter of moonshine, including everything, and concluding nothing. Now we are told by the mover that the first resolution pledged us to nothing. Therefore, we shall have nothing to do with it.

Mr. HEATH observed, that if he had entertained any doubts as to the propriety of the resolutions, those doubts would be now removed by the style of subterfuge adopted in the present debate by the members against them.

Here Mr. DAYTON, Mr. AMES, and Mr. W.

SMITH, rose together. Mr. SMITH was heard. He said that they had not been debating at all about the first resolution, but about the second resolution, ever since the discussion began. Mr. S. moved an amendment to the first resolution, which was that instead of the words "certain cases," be read "the following cases." He said that this amendment was necessary to make the resolution intelligible.

Mr. VENABLE said, it was in vain to deny, there was a subterfuge and a spirit of quibbling unworthy of Congress in these proceedings. A gentleman, [Mr. SMITH,] had just now told us that the first resolution was unintelligible, and yet this very member had taken up two days on this very resolution, and now he rose to tell us that it had no meaning, and that he did not understand it. Mr. V. had listened with great attention to all that had been said, and thought it evident that a spirit of quibbling and of subterfuge had got into the opinion of the resolutions.

This charge was retorted from the gentlemen on the other side of the House. For which Mr. NICHOLAS said there was no ground. As to blending political and commercial speculations, for which the friends of the resolution had been blamed, there was nothing unfair. In the very beginning of the debate, it had been stated, that they were a substitute for military preparations.

Mr. FITZSIMONS hoped the amendment would be withdrawn. It would sound strangely to the world, and place them all together in a singular light, if, when they had debated so long on a resolution, they should at this time be amending it, in a way as if they had not understood the meaning of it. Mr. SMITH withdrew his motion accordingly.

Mr. GILES did not wish to delay a vote. He had been both amused and astonished with the tone of distinction adopted by the gentlemen opposed to the resolutions. Political questions were the genus, of which commercial questions were a species. There was nothing unfair in connecting what it was impossible to separate. A spirit of quibbling had this day got into the House. The debate had taken a new turn, and a turn in which he was very unwilling to appear.

The question being loudly called for, it was put and carried, 51 votes to 46. The Committee then rose, and had leave to sit again.

TUESDAY, February 4.

An engrossed bill, providing for the relief of such of the inhabitants of St. Domingo, resident within the United States, as may be found in want of support, was read the third time and passed.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House, on the Report of the Secretary of State, on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. NICHOLAS desired to exclude by name all Powers except Britain, from the effect of the first resolution.

H. OF R.]

Commerce of the United States.

[FEBRUARY, 1794.]

[Some gentlemen said it would be much more manly to name Britain at once.]

Mr. NICHOLAS said, that he had no objection to naming Britain.

Mr. MADISON observed, that he had at first avoided the particular mention of Britain, because he had been solicitous to conduct the business in as civil a way as possible. It was no concern to him whether Britain was specially mentioned or not. Her Statute Book had afforded many examples of that kind of style.

Mr. S. SMITH was at a loss to know what recent injury Britain had committed, which could justify this proceeding. In point of justice, Spain ought to be put on the same footing. She had laid restrictions on American shipping, that she did not impose on those of any other nation.

Mr. NICHOLAS answered, that the case did not apply to Spain; we enjoy a trade with her that is highly beneficial to the United States; nor have we any means of compelling her to alter her conduct.

Mr. BOUNDINOT strongly recommended that Spain, and the Imperial ports, should be comprehended in the restrictions. He had been against the original resolution; but since the measure was going forward, he wished that it might be conducted with propriety, and on principles as reasonable and equitable as could be adopted.

Mr. MADISON observed, that Britain had issued a Proclamation respecting the stoppage of the vessels of neutral nations; of these there were but three—Denmark, Sweden, and the United States. The two former had been expressly excepted from the consequences of these restrictions. The Proclamation was, in itself, a breach of the law of nations.

Mr. AMES was of opinion that it would be wiser to accept of excuses for injuries, than fight battles to avenge them. He likewise insisted that a train of negotiation had been entered into respecting the grievances of America, and that it would be proper to wait the conclusion of it.

Mr. MADISON considered the conduct of Britain as extremely atrocious. He read some extracts from the correspondence between Mr. Pinckney and the American Government. In these, the behaviour of Britain was represented as very arbitrary and tyrannical; and it was strongly stated, that there was not the least chance of obtaining redress from the Court of London, for the violences committed on the American flag.

Mr. DAYTON read some other passages from the same correspondence, and from these he drew inferences of an opposite tendency.

Mr. GILES read a passage from one of the letters of Mr. Pinckney, wherein that gentleman recommended *commercial restrictions*, as the safest way of obtaining satisfaction from Britain for all the wrongs of America, *since there was not the smallest probability of obtaining redress in any other way*: Mr. P. expressed his extreme aversion to war, and therefore he suggested this method of retaliation, as a sure mode of distressing Britain, without the expense and danger of actual hostilities. Mr. G. asked, how in the name of common

sense, gentlemen, after perusing such letters from Mr. Pinckney, could stand up, and pretend to say, *that they had the smallest expectation of obtaining justice from Britain?* He had been astonished at the language that he had heard in that House. Members had not scrupled to say, that the mere exercise of our political rights, as an independent Government, was equivalent to a Declaration of War against Britain. Why do we pretend to call ourselves a free or independent People? It would be much better, honestly and at once, to declare ourselves *Colonies subject to Britain!* The language held upon this topic was an insult upon the common sense of every American. We were entitled to exercise our own rights in our own way. He would rather hazard a war, than give up that right.

Mr. WADSWORTH was convinced, that Spain and Portugal deserved to be comprehended under the commercial restrictions as much as Britain, since they behaved as badly. Portugal, in particular, had acted with superlative baseness, for she did not, as in good faith she was bound, warn us beforehand of the approach of the Algerine Peace. It was true that the newspapers had teemed with preposterous praise of her generosity, but this was altogether a farce; because the *papers before the House, which could not be printed, proved the contrary*. It was strangely said, that Britain had made the Peace for Portugal without the knowledge of the Court of Lisbon—a circumstance quite incredible. Mr. W. asserted the conduct of Spain to be as mischievous as it possibly could be. The same remark applied to France, where the Captains of American vessels had been fined for attempting to obtain redress in a Court of Justice, against the captors of their ships. Nor did it proceed from any want of provisions, that they had seized cargoes of that kind. They had openly locked them up in warehouses for many months, and at the same time refusing to give the captains of the vessels any satisfaction. I really do not know (said Mr. W.) anybody, within whose reach we come, that does not despoil us. As to the Law of Nations, I leave that to gentlemen of the law—they may manage it; but he found it to be very uncertain. He was sure that all the world did us all the harm that was in their power; and he was not certain but what an open rupture with us will be acceptable to some of the nations of Europe. With regard to Spain, such a hostile disposition cannot be surprising, since every American newspaper that we can look into is full of projects for driving them out of the American Continent. He said that immense property depended on the decision of this day; he believed there never was a greater at stake, in any question which had ever come before an American Congress. He referred to the lawsuits at present depending before the British Courts of Admiralty for the recovery of American property seized by the British pirates. He was convinced that, if the present amendment passed, the merchants of this country never would recover a farthing before the British Judges, of the immense sums for which they had lodged claims, which would be their ruin. There was

FEBRUARY, 1794.]

Commerce of the United States.

[II. OF R.]

one effect which the resolutions would produce, and that was, to drive a great part of our shipping out of employment. This he did not consider as a misfortune, for there was a much greater proportion of the mercantile capital of America engaged in that business than could be for the advantage of the country.

Mr. NICHOLAS, in reply to an argument constantly urged by the gentlemen on the other side of the question, said, that it was quite needless to speak of waiting for the result of an application to Britain. A thing has happened that puts all negotiation out of the question. A man owes you a dollar, you ask payment, and he robs you of an hundred. The affair of the Algerines puts an end to negotiation. The case was so bad, that after it, no man could hope for amicable redress from Britain, or that after such baseness she would ever give us justice. With regard to Spain, there were two good reasons why we should not wish to offend her. In the first place, the United States gained largely by her trade; and, in the next, she was entirely out of our power. As to Britain, she was within our reach; and he was solicitous to except Spain and every other country from the restrictions, that their impression might be the more strongly felt in Britain.

Mr. W. SMITH again spoke at considerable length.

Mr. CLARK replied, that the gentleman from South Carolina had said that Britain was the most friendly to the United States of any nation in Europe; and that if a stranger came into that House, he would think the resolution under discussion was a manifesto of war against Britain. But, said Mr. C., (looking at Mr. SMITH,) if a stranger were to come into this House, he would think that Britain had an agent here.

[Here the gentleman was called to order.]

Mr. C. rose again, and repeated what he had said, appealing to the judgment of the House. He said that he had not named the gentleman as being a British agent; he had only said, that a stranger might think there was a British agent in the Committee. The gentleman [Mr. SMITH] had objected to the prolixity of the proposed amendment, in naming and excepting so many nations from the restrictions, and had recommended it as much better to declare, at once, that they were levelled at Britain only; it was putting twenty-five words where one would answer the purpose. Sir, (said Mr. C.) in cases of this kind there are often different opinions. He had heard the gentleman himself employ five hundred words, which, in his judgment, did not comprehend the meaning of one. As to the war, we had heard much painting, as if arms and legs were flying about our ears. For his own part, he was not afraid of hostilities: the reason perhaps was, that being much more advanced in life than some other members, he had less to lose by death. As to the present amendment, he regarded it as containing the essence of all which they have been debating about for thirteen days; and he hoped that the same gentlemen would vote for it to-day, who yesterday had voted for the resolution itself.

Mr. W. SMITH rose immediately after Mr. CLARK, and observed, that the member might have spared himself the trouble of mentioning his advanced age, as his garrulity was a pretty strong symptom of it. Whether he (Mr. S.) had, in the course of his remarks, employed more words than were necessary, the Committee would judge. They would also judge whether the incessant loquacity of that member was, in general, much to the purpose. With respect to any illiberal insinuations, they only excited his contempt. He had no doubt they were reprobated by the Committee, for they were intended to check the freedom of debate. But he declared, he would never suffer such attacks to deter him from that which he conceived a proper discharge of his duty. Mr. S. said it was astonishing that, after he had, from the commencement of the debate, so guardedly excluded all political topics, and confined his remarks expressly to commercial grounds, (considering the subject merely as a commercial one,) that there should be found any one so uncandid as to wrest his arguments from commercial and apply them to political facts. He had stated commercial facts, and had drawn inferences from them. If the facts were unfounded in truth, let gentlemen deny them. If his inferences were inconclusive, let gentlemen refute them. It was with much satisfaction he had, however, found, that all the commercial members who had followed him on the same side had, by their opinions and votes, borne testimony to the accuracy of his statements. Were those members, on that account, liable to the charge of undue partiality for Britain, and would they not, if such charge were made, be justified in recriminating? Would there not be as much reason to accuse the one side of being agents of France as the other of being agents for Britain? But he hoped all such remarks would, in future, be spared. The members on both sides were Americans, and had the same object in view—the public good—but they differed about the means. To substitute indecent personalities for argument was unworthy of any member, was an avowal of a want of argument, and merited the animadversion of the House.

Mr. SWIFT was sorry to hear so much personal reflection cast out as the Committee had just now heard. He was convinced that the gentleman from South Carolina would despise it, as he was satisfied that every other gentleman in the Committee would do.

Mr. SMITH saw no difference between returning to the situation of a Colony dependent upon Britain, and that of submitting to be shackled as to commercial restrictions.

Mr. AMES said, that there was no commercial State in the Union which favored the resolutions: four-fifths of the citizens of the United States were against them. It had been urged, that they contained nothing new; nothing but what had long been intended to be carried into execution. An opinion against the resolutions was travelling with rapidity from this centre, on every side, to the circumference of the circle. The people had too much good sense to approve them.

H. of R.]

Commerce of the United States.

[FEBRUARY, 1794.]

Mr. MURRAY was surprised at the new turn which the debate had taken. Some days ago, the Committee had been amused and delighted with a splendid detail of the advantages to be secured to America, by the resolutions; but, since that time, the style had been reversed, and it was now frankly acknowledged that their sole end was, a system of hostility against Britain, and that it was the noble and patriotic passion of resentment which had produced them? But he was most of all surprised to see gentlemen going into a scheme which must blow up three-fourths of the revenues of the country. He could not imagine from what motives they were to cast themselves on their constituents in this way, or by what means they expected to be able to discharge the interest of the Public Debt. He was of opinion that no sinister motives of speculation in the Public Funds could influence that House. He was satisfied that it contained no speculators in paper, as had been asserted by the pen of calumny. He gave his hearty negative to the resolutions, in every shape. All the extensive information possessed by the gentleman who introduced them, all his abilities, and all the resources of his mind, had not been able to discover any method for discharging the interest of this Debt.

Mr. S. SMITH, Mr. DEXTER, Mr. HILLHOUSE, Mr. FITZSIMONS, and other members, spoke on the subject.

The Committee now rose, and reported progress, without taking a question on the amendment.

WEDNESDAY, February 5.

Mr. GILBERT, from the committee appointed, presented a bill for extending the time for transmitting the oaths of absent owners of vessels, and for the relief of Thomas Jenkins and Sons; which was read twice, and committed.

Mr. GOODRICH, from the committee appointed, presented a bill for the remission of certain duties; which was twice read, and committed.

Ordered, That the Message from the PRESIDENT of the UNITED STATES, of the thirtieth ultimo, enclosing the copy of a Letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as, also, the petitions of Thomas Person, and others, proprietors of lands in the Territory South of the river Ohio, and of the Trustees of the University of North Carolina, be referred to Mr. WILLIAM SMITH, Mr. BLOUNT, Mr. CARNES, Mr. ORR, and Mr. PRESTON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. TRACY, from the committee appointed to report whether any, and what, alterations or amendments are, in their opinion, necessary to the act "to establish the Post Office and Post Roads of the United States," made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a statement of the moneys now in the Treas-

ury, with an estimate of such further sums as may probably come into the Treasury, before the first of April next; and the demands that will probably be made on the Treasury to that time; with a state of the domestic loans, made pursuant to the order of the thirtieth of last month; which were read, and ordered to be committed to the Committee of the Whole House to whom is committed the bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-four.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to take into consideration the act "to establish the Judicial Courts of the United States," and report some provision in the case where any Judge of the Courts of the United States is, or may, by sickness or other disqualifying cause, be rendered incapable of discharging the duties of his office. Also, some further provision concerning bail, process, and costs, in the Courts of the United States; and, generally, to report such amendments to the said act, as they may judge necessary and Constitutional; and, after some time spent therein, the Committee rose and reported progress.

COMMERCE OF THE UNITED STATES.

A motion was made, that the House do now, according to the order of the day, resolve itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. LYMAN wished that a delay might be granted, till advices should be received from England. It lay as a weight on his mind, that the House should proceed with so much rapidity. He had no design in wishing for a delay, but merely that the House might act with greater certainty; because, after they had taken some decisive step, intelligence of an accommodating nature might arrive from Britain, and cause them to regret the precipitation of their measures. He referred to the directions of the Executive to Mr. PINCKNEY, to send a final answer to this country by the first of December.

Mr. BALDWIN recommended a delay during this whole session. He would not have sat silent during this discussion, as he had hitherto done, but from hopes that the subject would end in that way. It was his opinion, that this was one of those questions which had better be suffered to lie undisturbed for some time, as it would, by delay, be meliorated. Two years ago, when the question was agitated, he and some other gentlemen had persuaded those members, who were then extremely anxious for a measure of this nature, to postpone it. He had assured them, that they needed to feel no alarm for their commerce and shipping, as they would unquestionably rise fast into prosperity. At the desire of these gentlemen, the report had been made. But, last session, it was considered as too early to produce it, satisfactory information upon some points not having been obtained. At the sitting down of this Congress, the report had been laid on the table. It would have

FEBRUARY, 1794]

Commerce of the United States.

[H. OF R.]

betrayed an improper disrespect for the last Congress; for the Secretary who gave in the report, and for the gentleman, whose solicitations had brought it into existence, not to have paid it notice. But the predictions of Mr. B. had been fully realized. The alarm had subsided. The very members who had been anxious for reports and restrictions, were convinced, from experience, that their trade and shipping were in no danger. In spite of their severe losses by sea, they were all content to put up with them for the sake of cultivating the advantages of peace. Time had satisfied them with their situation; and if the subject should be suffered to sleep till another session, time would, in the same way, convince the other gentlemen, at present for the resolutions, that they were superfluous; he, therefore, advised to defer the consideration of the question. The parties had shifted sides, and would all, in the course of time, be of one mind.

Mr. SHERBURNE said, that he was one of only two members from New England, who had voted for the resolutions. He did so, because he believed them to correspond both with the inclinations and the interests of his constituents. If their opinion had been different from his, he would have resigned it, in deference to that of those who sent him into the House. Since he had given his vote, he had heard so many assertions, that four-fifths of the people of America were against the resolutions, that he was disposed to wish for a delay, till he had learned the real state of public sentiment.

Mr. CLARK thought it reasonable to grant a delay, if the member who asked for it [Mr. LYMAN] did not mean this, as an expedient, to put off the resolutions. It was proper that every gentleman should be, as much as possible, satisfied; and, besides, to postpone proceedings till advice came from Britain, was cutting off the right arm of arguments of the gentlemen in opposition.

Mr. TRACY begged that the resolutions might be deferred for this day, at least, because he had a report to lay before the House respecting the Post Office and Post Roads, which could not be delayed.

Mr. LYMAN declared that, in asking a delay, he had no motive but what he had openly stated. He did not wish to postpone the discussion for any other reason.

Mr. GOODHUE differed from the member from New Jersey, as to the refusal of redress by England cutting off the right arm of the arguments against the resolutions. He had not the least idea of redress in that quarter, as to the stopping of vessels with provisions for France. He had opposed the resolutions, but not from any idea of an alteration in that point.

Mr. LYMAN then moved, that the further consideration of the resolutions be deferred till the first Monday in March next.

Mr. SHERBURNE seconded the motion.

Mr. FITZSIMONS said, that it was not in his mind, of the smallest consequence whether the motion was carried or lost; nor did he in the least care on which side his voice went. With respect to Britain, he had suffered by her severely. His

property had been seized and carried into her ports, in contradiction to reason and to justice. He had not yet had time to collect the proofs of this, such as to enable him to make a regular application to the Government of this country; and he supposed that many other merchants were in the same situation as to this point. The prohibition of commerce between America and France by the combined Powers, was more injurious in idea, than in reality; and, that he might not be misunderstood, he should beg leave to explain himself. In fact, no merchant of this country would think of sending his property to France; for the Convention, many months before the proclamation of the combined Powers, had effectually prohibited the importation of the productions of America into France, by suffering no French products or manufactures to be sent out of France; nor, indeed, anything but *assignats*, which were of no service in the United States.

Mr. FORREST thought it extremely improper to defer or delay a decision; an alarm had been spread. It was proper to relieve the minds of the people. He wished to go into a Committee immediately; and, if that should be refused, he would have the yeas and nays taken on the question.

Mr. MADISON had no objection to delay. As to the resolutions, in answer to Mr. DAYTON, who had spoke of the versatility of the ideas of the mover, he said, that he had always reconciled himself to giving up some parts, and making partial sacrifices, provided the great principle was preserved.

Mr. FINDLEY, in a speech of some length, said, that, previous to the discussion on the resolutions, retailers had agreed to raise the price of goods for other and well known reasons, but that he had not discovered that the wholesale merchants had raised the prices.

Mr. FITZSIMONS contradicted Mr. FINDLEY, both as to this assertion, and another which he had made, that the merchants of Philadelphia were satisfied with the resolutions, which was contrary to the fact. He was authorized to say it was otherwise.

Mr. FINDLEY acknowledged, that he had said, that at least four-fifths of the merchants, whom he had an opportunity of conversing with, were in favor of the resolutions. That he was safe in saying so, and that he had been informed of so many more having the same sentiments as to justify him, in his opinion, that the merchants were not generally against the resolutions. That he had introduced this assertion in opposition to the frequent appeals that had been made to the opinions of the mercantile members of the House. He had always thought appeals to the opinions of those on the same side of the question, an improper argument. He did not admit, however strongly it had been asserted, that all the members engaged in commerce, were against the resolutions. And when he reflected upon the great influence arising from the mercantile accommodation of credit and assertions, so much urged by the member who took the lead in opposing the resolutions, and found so many merchants out of doors in fa-

H. OF R.]

Difficulty with Algiers.

[FEBRUARY, 1794.]

vor of them, he was convinced of the truth of the observation of a member from Maryland, [Mr. SMITH,] that the merchants of the United States were more patriotic, and understood the Constitution and interests of their country better than those of other countries. For, when it was considered that the object of commercial pursuits was gain, and that merchants, as such, had attachments to every country, in proportion to the advantages they derived from it in trade; and that though they were, perhaps, more fully possessed of a general philanthropy, or of that kind of patriotism which embraces all mankind, yet, that they had not so much of that exclusive attachment to a particular country as other classes of citizens. He said that, when it was evident that such a vast proportion of mercantile gain and accommodation was enjoyed in the commerce with Britain, he was not surprised that so great a proportion of merchants were against resolutions, calculated to narrow that commerce, or that some who were once in favor of them, had been persuaded to change their mind.

While he had not the least doubt that the merchants, with whom his colleague conversed, were against the measure, yet, he adhered to the truth of his former assertion. He said, it was not decent nor orderly to prove his assertion by mentioning names on the floor; but, if his colleague chose a private explanation, he would be convinced that the merchants who had declared themselves in favor of the resolutions were pretty numerous, and not inferior in respectability, nor in the extent of their commercial dealings, to those who were against them.

In reply to the assertion, that the price of goods had been raised in consequence of the resolutions. He said that there was a greater number of country storekeepers in town than usual at this season. That he had frequently accompanied them to the wholesale merchants. That they purchased the Manchester goods as cheap, and, in some instances, cheaper, than ever he had seen them. That, though woollens were a little dearer than he had sometimes found them, yet they were not sold dearer at the wholesale stores, since the discussion on the resolutions began, than they were when Congress met. That, therefore, his assertion, as far as it went, was founded on incontrovertible facts, and the testimony of respectable merchants. That it was well known that those who kept retail stores had entered into an agreement to raise the price of cloths previous to the introduction of the resolutions.

MR. BOURNE, MR. DAYTON, MR. WADSWORTH, MR. SHERBURNE, MR. AMES, MR. CLARK, and MR. BOUDINOT, also spoke.

The question was then taken to postpone the subject to the first Monday in March next; and it was resolved in the affirmative—yeas 51, nays 47, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Abraham Clark, Isaac Coles, Henry Dearborn, George Dent, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg,

William B. Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, William Irvine, Matthew Locke, William Lyman, Nathaniel Macou, James Madison, Alexander Melane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, John Patton, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Francis Mathone, Joseph McDowell, William Vans Murray, Jeremiah Smith, Samuel Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemus Ward, John Watts, Paine Wingate, and Richard Winn.

The House then adjourned.

THURSDAY, February 6.

A petition of Thomas Perkins and Company, of the city of Philadelphia, was presented to the House and read, praying that an additional duty may be laid on the importation of nails, or such encouragement given to the manufacture of the said article within the United States as, to the wisdom of Congress, shall seem meet.

Ordered, That the said petition be referred to MR. WATTS, MR. COIT, and MR. HINDMAN; that they do examine the matter thereof, and report the same, with their opinion, thereupon, to the House.

DIFFICULTY WITH ALGIERS.

After the reading of some private petitions, it was moved that the House go into a Committee on the state of the Union.

The draft of a resolution was handed to the SPEAKER, which had been drawn up by the committee appointed to examine the papers on the Algerine business. The substance of the resolution was, that certain parts had been marked by the committee as improper for publication; and, therefore, that, in the course of the discussion, they should not be referred to, or the reading of them called for, by any of the members.

A motion to this purpose was then made and seconded.

MR. HUNTER said he would treat the committee as he would wish them to treat him. He had no design of condemning the committee; but he could not think of attempting to discuss a question where he was not at liberty to call for and examine the very materials requisite for deciding his opinion.

FEBRUARY, 1794.]

Difficulty with Algiers.

[H. OF R.]

On motion, the House went into a Committee of the Whole on the state of the Union.

The resolution being read for building four ships of 44 guns and two ships of 20 guns—

Mr. MADISON rose to inquire whether there was, in the public stores of the United States, a sufficient quantity of cedar and live oak for building the proposed six vessels? He was answered that there was not. Mr. M. then observed, that it was evident this fleet could not be ready for effective service in the course of the present year. He imagined that there was another resolution, precedent as to the time of voting it, which ought to be before the Committee. The resolution to which he alluded, was that assigning a sum of money to buy a cessation of hostilities from the Regency of Algiers. He was of opinion that the project of fitting out an armed squadron was liable to many solid objections. There were two points of light in which this subject might be surveyed. The first of these was, whether the Algerines acted from their own impulse in this matter? In that case, they were known to be in the habit of selling a peace; and, if they are willing to do so, he fancied that it might be purchased for less money than the armament would cost. On the other hand, if they do not act from their own impulse, but upon the instigation of Britain, we may depend upon it that they cannot be bought. Britain will keep them hostile. There is infinitely more danger of a British war from the fitting out of ships than from the resolutions on the report of the Secretary of State. The distance which the ships would have to sail is not less than three thousand miles, and their number is too small for a decisive advantage. The Combined Powers would embrace the equipment of these ships as an excellent opportunity to pick a quarrel with the United States. Mr. M. expressed his doubts with regard to the propriety of this measure, because the expense would be immense, and there was no certainty of reaping any benefit from it.

Mr. CLARK was anxious to state his doubts on this subject, that gentlemen, who, by their habits of life, had met with opportunities of better information than he possessed, might correct him where he was wrong. In the first place, the ships would be too small in point of number to be of any kind of importance, amidst the numerous navies of Europe. The distance from any friendly port, where, in case of accidents, they might repair, was likewise very great. It was to be expected that, when they fell in with British ships of war, that the latter would endeavor to search them for prohibited cargoes, and for seamen, because they were in the practice of impressing their own countrymen wherever they could find them. This would produce a quarrel. There was a scheme which occurred to him, and which he judged would be less expensive and more effectual. This was, to hire the Portuguese to cruise against the Algerines. He understood that the Court of Lisbon desired to keep her ships of war in actual service. The British have been in the habit of building frigates for the service of the Algerines, and, as he was informed, mariners at

a distance upon sea, could distinguish in what country vessels were built by their construction. Hence it would be difficult for the captain of an American frigate to ascertain at sea a British ship of war from an Algerine. He had an objection to the establishment of a fleet, because, when once it had been commenced, there would be no end of it. We must then have a Secretary of the Navy, and a swarm of other people in office, at a monstrous expense. If we build six ships this year, we should next year find it necessary to build six more, and so on. The Combined Powers would find a much better pretence for a war by this armament than from the resolutions on the Report of the Secretary. Mr. C. closed his speech, which was heard with great attention, by observing, that he rose principally to submit his opinions on this question as hints for those who were better qualified to form a judgment on the subject than himself.

Mr. BALDWIN expressed his doubts as to every part of this subject. He had not been able to gain any information that was satisfactory. To block up the Mediterranean was, he believed, impracticable. Bribery alone could purchase security from the Algerines. Spain and Britain had always found this method the cheapest. He had much confidence in the gentleman who had been employed to go as an Envoy to Algiers from this country. He was a thorough man. Mr. B. had yet formed no decided opinion, and could wish to suspend his judgment till he learned the issue of the present application to the Dey. If bribery would not do, he should certainly vote for equipping a fleet.

Mr. NICHOLAS feared that we were not a match for the Algerines. A small number of sailors were sufficient to navigate one of their ships, and they had a militia to man them who were innumerable. He had not been able to form an exact opinion, but he was afraid that we were not a match for them by sea.

Mr. S. SMITH rose chiefly to answer the interrogatories proposed by Mr. CLARK, as to what harbors in Europe American ships could retire to for shelter? In an early part of his life, Mr. S. said that he had been in that part of the world, and could assure the House that there was no want of proper harbors to refit or obtain provisions in. The first he mentioned was Toulon; Marseilles, likewise, had a most excellent harbor, and there was no doubt that our vessels would be received there in the most friendly way, as the Algerines had lately declared war against the Republic of France. Spain had, likewise, several excellent ports—Malaga, Cadiz, Barcelona, and Ferrol. In all these the American squadron would be heartily welcome, and meet with all kinds of naval stores in the greatest abundance. Lisbon, also, was a fine harbor, and Oporto would be proper for the same purpose. So that, in case of accident, the armament had nothing to fear from wanting a place of retreat. He had no doubt that our vessels and our sailors would both be much superior to those of the Algerines. Their ships were old and crazy, and were presents made

H. OF R.]

Difficulty with Algiers.

[FEBRUARY, 1794.]

them by the Powers with whom they were not at war. The American bottoms must be better; and our fleet will most likely have its station between Oran and Malaga, and, stretching across between those two ports, block up the mouth of the Straits. He adverted to the mistake of Mr. BALDWIN, who had said that Spain never attempted to block up the Straits; the proper answer to which was, that Spain had an extensive coast, not less than four or five hundred miles, within the Mediterranean; so that she was quite differently situated, with regard to them, from America. Mr. S. mentioned, as a consolatory circumstance, that our profit was twice as great at present, in commerce, as it was before the war, in spite of all the spoiliations committed by Britain and by Spain; and, if the war continues, the profits will continue to multiply twice as fast as they would otherwise do. As an evidence of this fact, he mentioned the high price of wheat at present in this market, and asked whether any gentleman had heard of a price so high at this season of the year before? A gentleman [Mr. NICHOLAS] had spoken of an Algerine militia. Why, sir, (said Mr. S.) I shall set down against them the American militia, and so that account is settled. He estimated that the whole American exports and imports, in round numbers, was twenty millions of dollars each; and that the extra insurance on account of the Algerines, from one end of the year to the other, would not be less than five per cent. on the whole, which was, altogether, two millions of dollars. From this Mr. S. inferred that it must be the very worst kind of economy to hazard an expence of two millions of dollars of insurance, for the sake of saving the charges of this armament. He did not see it improbable that the Algerines might very soon be on our coast, under the command of British or American renegadoes. It was nothing uncommon, among seamen, for two captains to be in the greatest friendship to-day, and plundering each other's vessels to-morrow. As an example of what Americans, in particular, are capable of doing, he repeated the history of a Mr. Cooper, of Virginia, who, some years ago, fitted out a ship for the express purpose of cruising against American vessels bound from or to the East Indies. He sent a person into the harbor of Algiers to solicit a commission from the Dey, and this Envoy had very near been taken prisoner, as the Dey wanted to have made a slave of him. Mr. S. said that Mr. Cooper was known to be a man of courage, of perseverance, and as possessing that species of intellectual resources which qualify an adventurer for bold undertakings. He inferred, from this anecdote, that, if Mr. Cooper, a man of respectable birth and connexions, could form such a scheme, what was not to be feared from the common set of seamen? He could not tell where the danger might end; nor did he know whether Philadelphia itself would be in safety. They might speak of their forts as much as they pleased; he knew their force, and did not much value it. The British had gone past them, and what was to hinder the Algerines, or such a man as Mr. Cooper, from getting past them? Were he on the coast

of an enemy, he should have the least scruple of engaging to run a ship by such forts, when there was in view so great a prospect as the plunder of Philadelphia. He strongly pressed the necessity of sending out the proposed fleet as quickly as possible.

Mr. AMES attacked the mover of the resolutions on the Report of the Secretary [Mr. MADISON] for not displaying in the affair of the Algerines some part of the spirit which he had exerted on the other occasion. He thought it shameful to buy a peace, and that there could be no security, if we did. He recommended an armament. Portugal had shown herself friendly; and, referring to what Mr. CLARK had stated, he was of opinion she would give our ships shelter in her ports. He thought that six stout frigates at the mouth of the Straits would do the business. He went at considerable length into Mr. MADISON's resolutions, and condemned, upon various grounds, the arguments and conduct of the gentlemen who supported them. Yesterday, we were told that Britain durst not quarrel with America, and to-day, she is represented as ready to do it. Our commerce is on the point of being annihilated, and, unless an armament is fitted out, we may very soon expect the Algerines on the coast of America.

Mr. GILES, in reply, said that Mr. AMES drew inconsistent pictures. One day he represented the American commerce at the summit of prosperity; the next, it was reduced to nothing. In defence of the commercial regulations, he reminded the House that Britain, and not Algiers, was the real object of alarm, and the real source of hostility. It was, therefore, proper to provide remedies against both of these illustrious confederates. Algiers was but the instrument, Britain was the cause. The reliance of Britain upon this instrument plainly showed that she was not equal to a war and a commercial contest. She had, therefore, turned loose the Algerines upon us—a fact which is pretty generally acknowledged on both sides of the House. It is, therefore, in the power of Britain to prevent the progress of these pirates. The commercial restrictions will reduce Britain to difficulty, and she will then, for the sake of friendship with America, be glad to put a stop to the Algerine ravages. Until some measure of this kind has been adopted, Britain, as she has raised up Algiers, will keep her up. The cheapest mode of getting peace will certainly be by embracing the commercial regulations. Mr. G. was averse to the proposal of a fleet. He agreed very much with the gentleman from New Jersey, [Mr. CLARK,] that it would be a better expedient to hire the fleet of Portugal. He considered the establishment of a maritime force as having a direct tendency to war; whereas, the commercial restrictions had the same tendency to peace. The sending of American armed ships into the midst of the fleets of Europe would certainly produce a quarrel. It had been well remarked, [by Mr. CLARK,] that, if an attempt was made to search our ships of war, like our merchantmen, it would infallibly produce a public affront, and consequent hostilities.

FEBRUARY, 1794.]

Naval Force.

[H. OF R.]

Mr. MADISON, in reply to some remarks which had fallen from Mr. SMITH, respecting the present high price of wheat in the American market, said, that he had been informed of a place where wheat sold for four shillings and sixpence per bushel only, where the dollar passes for six shillings. Mr. M. supposed that Britain could render very essential service to the Algerines, without embarking in a war. She has not embarked in a war to the northwest of the Ohio, but she has done the same thing, in substance, by supplying the Indians with arms, ammunition, and, perhaps, with subsistence. He did not assert that Britain directed the plan of the Indian expeditions, for he had no explicit evidence that they actually did so. In the same way that they gave underhand assistance to the Indians, they would give it to the Algerines, rather than hazard an open war.

The Committee now rose, without coming to the question.

FRIDAY, February 7.

JOHN PAGE, from Virginia, appeared, produced his credentials, and took his seat in the House.

Resolved, That a committee be appointed to report whether any, and what, alterations, are necessary in the act, entitled "An act concerning the registering and recording of ships or vessels." Also, in the act, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same." Also, in the act, entitled "An act to regulate the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels." And also, if any, and what, further legislative provision may be necessary for the securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas.

Ordered, That Mr. GOODRUE, Mr. SAMUEL SMITH, Mr. FITZSIMONS, Mr. PARKER, and Mr. BENJAMIN BOURNE, be a committee, pursuant to the said resolution.

Mr. SAMUEL SMITH, from the committee to whom was referred the petition of Lieutenant Colonel Tousard, made a report; which was read and ordered to lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you an Act and three Ordinances, passed by the Government of the Territory of the United States South of the river Ohio, on the 13th and 21st of March, and the 7th of May, 1793; and also certain Letters from the Minister Plenipotentiary of the French Republic, to the Secretary of State, enclosing despatches from the General and Extraordinary Commission of Guadaloupe.

G. WASHINGTON.

UNITED STATES, February 7, 1794.

Ordered, That the said Message and papers do lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act providing for the relief of such of the inhabit-

ants of Saint Domingo, resident within the United States, as may be found to be in want of support," with an amendment; to which they desire the concurrence of this House.

THE NAVAL FORCE.

The House resolved itself into a Committee of the Whole House on the state of the Union. The Chairman read the resolution before the House for equipping a Naval force.

Mr. MADISON thought this expedient unlikely to answer the purpose, and liable to many objections. Before the American squadron can be equipped, the truce between Algiers and Portugal must expire. When that expiration shall take place, she either will not renew the truce at all, or she will stipulate that the United States shall be comprehended in it. He would save the money intended for the fleet, and hire the Portuguese ships of war with it, as soon as the truce ends. He wished that the Committee might reject the present motion, and when they did so, he would move a resolution, a copy of which he read to the Committee. It was in substance:

"That the sum of — dollars be provided to be employed in such a manner as should be found most effectual for obtaining a peace with the Regency of Algiers; and failing of this, that the sum should be applied to the end of obtaining protection from some of the European Powers."

Mr. M. considered the armament at present proposed, as quite too small to answer any efficient purpose.

A member here observed, that it would be hazardous to rely on Portugal; because though the truce might expire in about six months, it would possibly be renewed at the end of that time, or converted into a peace.

Mr. FITZSIMONS wished that gentlemen would pay some attention to attested facts, before they so abruptly declare that the six ships proposed by the Committee to be built and put into commission, were incompetent to the end for which they were designed. The Committee had bestowed considerable time in deliberating upon the best information which could be obtained, before they specified the force requisite to be employed, and they had been satisfied, that what was now proposed would be equal to the end. Here Mr. F. read a different statement of the ships of war in the service of the Regency of Algiers, at different times. One of these shows that in the year 1789, there were nine xebecs, from thirty-six to ten guns, and one ship of forty guns upon the stocks; but, that several of the xebecs were laid up or unfit for service. A second estimate of the Algerine maritime force had been transmitted by Mr. Humphries. He specified four frigates, two xebecs, and one brig. By advices still more recent, the fleet consisted of one vessel of forty-four guns, one of thirty-six, one of twenty-eight, three xebecs, and a brig. Mr. F. observed, that gentlemen had objected to the sending out an American fleet; that they could not always keep together. He reminded them, that from November to March or April, the corsairs of Barbary never go out to sea.

H. OF R.]

Naval Force.

[FEBRUARY, 1794.]

There were two months during that time, when they were restrained by their religion from piratical excursions. The Committee had been told, that the Portuguese are ready to assist us. There is ground to expect this assistance, but not to depend upon it. Two American frigates, along with the Portuguese vessels, would be fully equal to the task of curbing the Algerines. As to militia, he could not see of what consequence they could be in a naval contest. With regard to expense, he stated a very important fact. The United States import, annually, two millions of bushels of salt from these countries, which the Algerines will cut off from our commerce. The rise on that article must then be at least one dollar per bushel; which is a tax of two millions of dollars at once, or three times the expense of the armament. Probably, however, the loss may extend to four millions of dollars on this single article of salt, in one year only; a sum which would keep up the fleet a long time. We have been trying to buy a peace, but without success; and if we are not able to enforce it, the price of buying it must be so much the higher. As soon as Portugal is left to herself, she will certainly protect us, because it is much for her interest to do so. At present, she cannot, perhaps from the influence of the combined Powers. Mr. F. therefore recommended an armament in the mean time.

Mr. SMITH objected to this measure, because it was unequal to the task. Britain would assist the Algerines underhandedly, as she did an enemy in another quarter, and would continue to do so. He did not think she was shameless enough to own it, but she would do it. He spoke at some length.

Mr. NICHOLAS went on the same ground. He said that Britain had not been content with striking up a truce for Portugal, that the Algerines might be let loose on American commerce, but her Minister at the court of Lisbon had endeavored to prevent our vessels from obtaining a Portuguese convoy. Not content with insuring a loss to America, she had striven to make that loss immediate. As to the duration of the truce, it could not last long, for the Queen of Portugal had, in fact, broken it already. She had declared that the trade to that country should pass unmolested; to which condition it was not likely that the Algerines would consent. The Portuguese nobility had clamored at the acceptance of a truce. So that, on the whole, it could hardly last long. A naval force was a very expensive affair. The greater part of the immense debt of England had been lavished on her navy. He was against building a navy.

Mr. SWIFT had always been sensible that the situation of this country was not fit for war. We have a very heavy debt; but still it is better to bear debts than depredations. A gentleman of extensive information [Mr. S. SMITH, in yesterday's debate] had stated the rise of insurance as much less than the armament would cost. Britain had always more dependence on her navy than on the immense sums that she pays to these Barbarians. Mr. S. had no doubt that the proposed fleet would have its intended effect. He despaired

of either buying a truce or buying an ally. As to the militia of Algiers, they could not be brought into action against frigates. He considered the charge of hiring the Algerines, as an unfounded accusation on the honor of Britain. He could not bring himself to believe that she was capable of a conduct so exceedingly disgraceful. He had no direct evidence to convince. It might be objected to this argument, that it would augment the National Debt and throw too much influence into the hands of the Executive Government. But the same objection might be started against every armament whatever.

Mr. MURRAY said, the gentleman from Virginia, [Mr. MADISON,] yesterday observed that he was not a little surprised, that those who a few days since had appeared so alarmed at the phantom of war, should on this question appear so willing to meet it. He would remark that those gentlemen were alarmed at a shadow which appeared followed by the substance of war, and were unwilling to do anything that might lead to a war that did not yet exist. But we were now at war with Algiers, and had no choice. They had been at war with the United States ever since the end of the Revolutionary war. The Spaniards and Portuguese kept them within the Mediterranean. Gentlemen who are averse to the report, hold up two substitute measures: one, which was suggested, and has been argued by the gentleman from Virginia, [Mr. MADISON,] is, that we ought to grant a sum to Portugal for her protection of our trade. The other is, that commercial regulations will accomplish our protection. He liked neither. The last, if permanent, will withdraw all temptation from Great Britain to interpose her good offices. The first is worse; it is subsidizing Portugal at the expense of our own people, and that too without security. Gentlemen would make it the interest of Portugal to make such breaches of truce as would occasionally withdraw protection, and oblige us to subsidize her higher. It would create a disgraceful dependence on a foreign Power, and weaken the spirit of our marine; whereas, if you fit out frigates, you employ your money in nourishing the roots of your own industry; you encourage your own ship-building, lumber, and victualing business. He believed, that however true might be the suspicion of British interference in Indian affairs, and he feared it was too true, he did not believe the evidence as to Algerine interference strong enough to induce an argument against the report, under a supposition that as Great Britain had effected the truce, so she would aid Algiers against us. He thought so, because it was not now as much her interest as it was in times of peace. In times of peace, had she let loose the Algerines, her own navigation would have been enabled to carry for us, but now it would be molested by the French. He did not believe nations, more than persons, would do wrong purely out of evil designs devoid of interest; the greatest villain would not. At present, their ships are liable to attack from the French, and he had it from good authority, that so far were the British from having advantaged themselves if they had been so base,

FEBRUARY, 1794.]

Contested Election.

[H. OF R.]

that scarcely a British ship had appeared since in our ports. The ship frigates would be able to blockade the Gut of Gibraltar; the Algerines did not sail in fleets; they wanted plunder, not glory; when they discovered they had to get the first by hard fighting, they would listen to peace, accompanied by money. Spain, it was true, had purchased a peace, but there was a hereditary inveteracy against Spain, and a facility of attacking her shores which we need not fear, so it was her interest to buy a peace when war could bring her nothing but a glory that almost disgraced her armies; as to jealousy of power in the Executive, he hoped to see a proper equipoise in the powers of this Government; but, when proper occasions occurred, he hoped Congress would never refuse the adequate means to enable the Executive to discharge its Constitutional duties.

Mr. GOODHUE observed, that the Committee had carefully looked over the statement of the marine force of Algiers for several years back, and had no reason to doubt that the six vessels would be equal to the purpose intended. There was no ground to suppose Algiers would have more force at present than she had during her war with Portugal. He had no doubt that the Algerines were let loose on the American commerce to prevent supplies going to France, and while the war lasts, we shall not be able to buy a peace. It is said, that the truce was but for a year, and in six months it will expire. He did not wish to depend on that when the evil is so great. And why depend on Portugal? She is more under the influence of Britain than any other nation in Europe. When Britain has been at the trouble of stipulating a peace for Portugal, will she suffer that nation to assist us? Certainly not. Or is it wise to stand by and depend upon such a resource?

Mr. MADISON said, that gentlemen thought so differently on this subject, and advanced arguments against his side of the question of such a different nature, that it was difficult or impossible to give them an answer. He then proceeded to quote the speech of Mr. GOODHUE; when that gentleman rose to explain. Mr. M. then proceeded to notice the speeches of Mr. FITZSIMONS and Mr. S. SMITH. Both of these gentlemen were up more than once to explain, as having been misquoted. In a speech of considerable length, he was not suffered long to proceed without interruptions of explanation. This produced a scene of altercation. One circumstance, however, was mentioned by Mr. FITZSIMONS that deserves particular notice. From April to December next, he said, the insurance on American ships from England and the rest of Europe, will not be less than twenty-five per cent. of their value on account of the Algerines.

The House now adjourned, without taking any question.

MONDAY, February 10.

A memorial of Samuel Swann, of the city of Richmond, in behalf of himself and others, was presented to the House and read, praying that an additional duty may be imposed on the importa-

tion of foreign coals, or such encouragement given to the opening of coal mines within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be referred to Mr. WATTS, Mr. COIT, and Mr. HINDMAN; that they do examine the matter thereof, and report the same, with their opinion thereupon.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support."

Resolved, That this House doth agree to the said amendment.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and expenditures for the War Department, from the 1st of July to the 31st of December, 1793, inclusive; which were read, and ordered to lie on the table.

DELAWARE CONTESTED ELECTION.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, to whom was referred the petition of Henry Latimer, of the State of Delaware, complaining of an undue election and return of John Patton, to serve as a member of this House, for the said State, made the following report:

"That the said Henry Latimer complains of the illegality of the said election on the following grounds, to wit: that the Legislature of the State of Delaware, in pursuance of the Constitution of the United States, passed an act on the 26th of October, 1790, directing the election of a Representative for the said State in the Congress of the United States, by which it is enacted that every person coming to vote for a Representative, agreeably to the directions of the said act, shall deliver, in writing, on one ticket, or piece of paper, the names of two persons, inhabitants of the State, one of whom, at least, shall not be an inhabitant of the same county with himself, to be voted for as Representative.

"That, at the said election in Newcastle county, a number of votes or tickets, containing the names of the said Henry Latimer and Solomon Maxwell, both inhabitants of the same county, were by the Judges of the said election, deemed illegal, and rejected.

"That, at the said election in Kent county, four votes or tickets, containing the names of the said Henry Latimer and George Tuit, both inhabitants of Newcastle county, were, by the Judges of the election, rejected as illegal.

"That, at the election in Sussex county, a number of votes or tickets, not less than fifty, containing the name of John Patton only, as the Representative of the said State, were received by the Judges of the election, polled, counted, and included in the return of the said election: that, in consequence of the rejection of the said votes in Kent county, and the reception of the votes before mentioned in Sussex county, the said John Patton was returned as exceeding the said Henry Latimer thirty, in number of votes.

"The committee find that the law of the State of Delaware, for regulating the election of a member to this House, contains the regulation stated in the petition, and that the said John Patton was returned to the

H. OF R.]

Tonnage Duties on French Vessels—Vessels of War.

[FEBRUARY, 1794.]

President of the State of Delaware as having 2,273 votes, and the said Henry Latimer as having 2,243 votes. On examining the evidence taken in this case, the committee find the following facts in relation to the election in Newcastle county, to wit:

"That a considerable number of votes or tickets containing the names of Henry Latimer and Solomon Maxwell were rejected as illegal, as being both inhabitants of Newcastle county; the precise number of said votes is not ascertained. One witness, Robert Hamilton, who acted as an Inspector or Judge of the election, declaring that he kept a list of such rejected votes till he was fatigued; that when he discontinued, they amounted to upwards of seventy. Another witness, James Eves, who likewise acted as an Inspector at the said election, declaring that he first began to keep such a list of rejected votes, and counted upwards of thirty, when he changed seats with Hamilton, who continued to keep the said list, as above mentioned, and that he was informed by Hamilton, some hours before the reading of the votes was concluded, that the number of the said rejected votes then amounted to upwards of fifty. It appears, by a reference to official documents, that the amount of votes counted and polled at the election in the said county for Governor of the State, was 1,202, and the number polled and counted for a member of this House was only 1,138, constituting a difference of sixty four votes. The committee find the following facts in relation to Kent county: that four votes or tickets having the names of Henry Latimer and George Truit, both inhabitants of Newcastle county, were, on that account, rejected as illegal; and that twenty-two votes or tickets, containing the names of John Patton and some other inhabitants of Kent county, were likewise rejected as illegal.

"The following facts appear in relation to Sussex county: that, at the commencement of the election in the said county, a question arose as to the legality of votes or tickets containing only one name, and, after some contest, it was resolved by the managers of the election to receive all such votes, and to leave the determination of their legality to the House of Representatives of the United States. It further appears by the evidence, that, on a late examination of the votes or tickets which had been polled or counted at the said election, there were sixty-eight single votes received and counted for John Patton, and nine single votes for Henry Latimer.

"From the above statement of facts, the following conclusions appear to the committee to result:

"That John Patton was returned as duly elected, by a majority of thirty votes.

"That, agreeably to the Election Law of Delaware, the four votes in Kent county, containing the names of Henry Latimer and George Truit, which were rejected, ought to have been received and counted for Henry Latimer; and the sixty-eight single votes in Sussex county, which were received and counted for the said John Patton, ought to have been rejected; that, if the aforesaid four votes in Kent county had been received, and the aforesaid sixty-eight votes in Sussex county had been rejected, as was required by law, the said Henry Latimer would have had, after deducting the nine single votes, received and counted for him in Sussex county, a majority of thirty-three votes. The committee are, therefore, of opinion that John Patton is not entitled to a seat in this House; they are also of opinion that Henry Latimer is entitled to a seat in this House as the Representative of the State of Delaware."

Statement.

Votes for John Patton	2,273
Deduct single votes in Sussex county	68
	<u>2,205</u>
Votes for Henry Latimer	2,243
Add rejected votes in Kent	4
	<u>2,247</u>
Deduct bad votes in Sussex	9
	<u>2,238</u>
Majority for Henry Latimer	33

This report was committed to the Committee of the Whole House, accompanied by certain written observations thereon by the sitting member, tending to controvert the reasoning and conclusions of the said report.

TONNAGE DUTIES UPON FRENCH VESSELS.

The House resumed the consideration of the report of the committee appointed to inquire into and report a state of facts respecting sundry French vessels, which have taken refuge in the ports of the United States, and their opinion on the propriety of remitting the foreign tonnage thereon.

Mr. S. SMITH recommended the remission of the duties. Accident and distress had forced these people into the harbors of the United States, and it would be unbecoming the political connexion of this country with the French Republic, to take such an undue advantage.

Mr. FITZSIMONS considered the remission of the duties as an act of justice. These vessels had some of them been obliged to lie for six months in the ports of America, before they could get away, and to sell part of their cargoes to pay for their necessary expenses. This alone put an end to all prospect of profit by the voyage, and was a sufficient loss to the owners, without the payment of the duties.

Several other members spoke to the question. It was at last agreed that the tonnage should be remitted, and the committee was ordered to bring in a bill for that purpose.

VESSELS OF WAR.

The House then went again into a Committee of the Whole on the state of the Union; and, the proposition for building sundry vessels being under consideration,

Mr. BOURNE approved of the proposed armament of four 44-gun ships and two others of 20 guns, against the Algerines. It had been objected that they would be inadequate to the purpose, since Britain would interpose. There is no sort of proof that she would do so, nor is it likely that she will, because it is her interest to cultivate, as far as possible, her connexion with this country. With regard to Portugal, it is very hazardous to reckon upon her assistance. Her sending a fleet

FEBRUARY, 1794.]

Vessels of War.

[H. of R.]

to convoy the American merchantmen was not a proper foundation to say, that she had already broken the truce with Algiers, as had been alleged, [by Mr. NICHOLAS.] It was the established custom, in cases of this kind, to protect the ships that were trading to any particular country which happened to make a peace with any of the States of Barbary. Spain often did the same thing, nor was it complained of by the Algerines themselves. There was a great risk in depending upon so precarious a resource as the Navy of Portugal. He should be glad, besides adopting the resolution on the table, that the Executive might be authorized to engage the assistance of Portugal, if it was practicable. Mr. B. professed that he had met with no satisfactory evidence that Britain had excited the Algerines to the present war. He recommended the armament.

Mr. LYMAN was of opinion that the Algerines acted by the instigation of Britain. He would as soon question the existence of the resolution before them, as question that. The proposed armament must bring on a very certain expense, for a very uncertain advantage. He apprehended no danger from the Algerines, on the coasts of America. Though Britain might not venture openly to support the Corsairs, yet she could do it clandestinely, as she supported the Indians. He disapproved of the intended armament for many reasons—one of which was that though \$600,000 had been stated by the Committee as the expense of it, that sum would not half discharge the expenses. He recommended that private individuals should be encouraged to fit out vessels for attacking the Algerines.

Mr. HILLHOUSE had heard of no expedient suitable to the end in view, except that of sending out a fleet. He ridiculed the project of attempting to encourage individuals to attack the Algerines. He asked if a Legislature in the possession of their senses, could fancy that private persons were to be induced to squander away their property in such a way, without compensation? Was there any body so lost to all common sense, as to embark in such an undertaking? As to the interference of Great Britain, he was willing to take that for granted. But could the members return to their constituents, and tell them that Congress could do nothing in this matter, because Britain had been the occasion of it? He observed that a more humiliating situation could not be conceived, than that of America becoming tributary to Portugal, and going there to tell her that Americans could not protect themselves. Such an application must wound the honor of the United States in a most sensible manner. Gentlemen had said, the other day, that Britain would submit to any hardship sooner than declare war against this country. It was now said by members on the same side of the question, that she will assist Algiers by sending her military supplies. These assertions are inconsistent. If Britain sends ships of war to Algiers, she must come to an open rupture with America, for he understood that, by the Law of Nations, it must be the consequence.

Mr. DEXTER found many difficulties in this

matter; but he was willing to adopt the measure proposed, because he saw nothing better.

Mr. HUNTER said that the damage sustained by trade, from the Algerines, is not so great an object as to deserve such an expense: especially since Portugal offers to protect that part of our shipping which is bound to and from her Dominions. It has been said by several gentlemen, that the only motive which induced Britain to make a truce with the Algerines was, to get the Portuguese fleet to join her in attacking their common enemy, the Republic of France. It had been said by one gentleman, that Britain had more interest to set the Algerines loose upon American commerce before the war than since. This was a very mistaken idea. Before the war, our trade with Britain, in regard to insurance, was upon equal terms. But as soon as Britain engaged in the war with France, the insurance on her own vessels rose very high. Her own insurance companies would not insure the freight of British vessels, and the property of her own subjects, on the same low terms that they would insure on American vessels and American property. This preference was extremely provoking to the pride of Britain, particularly as the nation thus preferred had been, but a few years before, her own subjects. Her seamen were likewise quitting her service for that of America. Thus, her carrying trade must have been cut up by the roots. It was no more dishonorable for America to get a peace made with Algiers by means of Portugal, than it had been for Portugal to get a peace in the same quarter by means of Britain. He did not think that Britain would ever suffer America to get a peace if she could help it, as long as the war lasted; for then America would take off the carrying trade. She could supply the Algerines with ships, under the pretence of being their allies: and then, when they were employed against America, say that she could not help it. Mr. H. was averse to the armament.

Mr. MURRAY could not believe that Britain had been guilty of any design of exciting the Algerines against the United States. It was opposite to her interest, and he could not believe any nation capable of such a crime only for its own sake.

Mr. GILES said that Britain was at length acknowledged to be the cause of the Algerine piracies. It was now said to be for the sake of reducing France. The baseness of the end corresponded with the atrocity of the measures employed to produce it; for he should always consider it as one of the greatest of crimes for one nation to attempt the subjection of another. As to the state of insurance, the gentleman from South Carolina [Mr. HUNTER] had spoke rightly. Mr. G. said that with respect to what he had formerly observed, about Algerine militia, he had been mistaken. He did not intend to say that the four American frigates were to go to land, and give battle to a hundred thousand Africans; but if a nation could, by an effort, assemble so numerous a militia, they can surely produce a maritime force more than equal to four frigates. He could not think gentlemen serious in proposing to send

them against Algiers. He adverted to the numerous dangers to which they were exposed by sea, at such an immense distance from their own country. It had been said by a gentleman [Mr. DEXTER] who, whenever he happened to be in the wrong, had a very happy talent at making himself appear to be in the right, that the inconvenience of seas and tempests would be no greater to the Americans than to the Algerines. But the member had overlooked this great difference: that the latter, if any accident befell them which required a friendly port, were not far from home; whereas, the former had to sail 3,000 miles. A gentleman [Mr. S. SMITH] had mentioned several harbors of France, Spain, and Portugal, to which the American frigates might retire, if they wanted repairs. He was not sure that they would be welcome at present in the ports of either Spain or Portugal. As to France, from the measures that we seem lately to pursue, it is very uncertain whether she would much longer give the American flag a friendly reception. Gibraltar had likewise been held out as a place where the intended fleet might be sure of a hospitable retreat. But this, likewise, he thought very doubtful. He considered navies altogether as very foolish things. An immense quantity of property was spread on the water for no purpose whatever, which might have been employed by land to the best purpose. The old Government of France had been ruined in a great measure by the expenses of its navy. England groaned under a great part of her immense load of taxes from the same cause. He was persuaded that four frigates would not even form an additional motive to make the Regency of Algiers conclude a peace. He was afraid the Algerines would laugh at them.

Mr. S. SMITH said it was a singular example of integrity in the present age, and would be the wonder of posterity, that Captain O'Brien and Captain Stephens never had accepted of any offers from the Algerines. We have now been told that eleven ships are taken. Some of these are not commanded by natives of America, and it cannot be surprising if renegadoes are found among them. Portugal, with only three ships, had blocked up the corsairs: what, then, was to hinder America from accomplishing the same end with six ships? Where Portugal has one ship on the ocean, America has ten. She is, therefore, ten times as able as Portugal to beat the Algerines; and yet we are told that she cannot do it. He had one objection to the fleet: he wished that the two 20-gun ships had been made to carry 36 guns, as he fancied, from the shortness of their keels, that they would not be able to keep up with the 44-gun vessels. He said that the Algerines had no place of shelter till they got home, as they were not admitted into the harbors of any other nation. He asked, who would join this country, when we declared that we could do nothing? It was disgraceful to Republicans to be in such a situation. He was sure that this defenceless state was contrary to the maxims of the Republics of all former ages. He was sorry, when he heard gentlemen who called themselves Republicans,

vindicate such pusillanimous measures. He suspected that they were at bottom friends to Monarchy, and wished to bring it back again. He then proceeded to demonstrate that America would lose infinitely more by the rise of insurance, than she would save by setting aside this armament. He closed by once more asking, whether the United States could not perform that with six ships which the Queen of Portugal had performed with three?

The Committee now rose without coming to any decision.

TUESDAY, February 11.

The House resolved itself into a Committee of the Whole House, on the bill for extending the time for transmitting the oaths of absent owners of vessels, and for the relief of Thomas Jenkins and Sons; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

Mr. VENABLE, from the committee appointed, presented a bill for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States; which was read twice and committed.

Mr. TRUMBULL, from the committee to whom were referred the memorials of the people called Quakers, at their yearly meeting, held in Rhode Island, in the year 1793; of the delegates from the several Societies for promoting the Abolition of Slavery, in convention assembled at Philadelphia, on the first day of January last; and of the Providence Society for abolishing the Slave Trade, made a report; which was read and ordered to be committed to a Committee of the Whole House on Monday next.

FORTIFICATIONS.

A report was read from the committee appointed to inquire into the state of the fortifications of the ports and harbors of the United States.

It was moved and agreed to read the report a second time. The committee had not been able to complete their investigation; but, in the meantime, they recommended that the sum of _____ dollars should be assigned for the security of the harbor of Norfolk.

Mr. DAYTON objected to the adopting this motion without due consideration.

Mr. TRACY moved that the subject should be referred to a Committee of the Whole House; which was agreed to, and the House again resolved itself into a Committee of the Whole House on the state of the Union.

Mr. TRACY had wished for more information. He supposed that the Committee would report nothing but authentic facts; yet gentlemen had objected to the report as not well grounded. He thought the committee right in the measure which they pointed out. If we are not able to defend

FEBRUARY, 1794.]

Fortifications.

[H. OF R.]

ourselves, we must give up the trade; and if the interposition of Britain was a proper reason for not pushing the Algerine business, the same argument was sufficient for giving up the Western frontiers, because the Indians were said to be assisted by the British. In the same way are we to give up the sea, because Britain may possibly assist the Algerines, as well as the Indians? Are we not to defend ourselves? Are we not to guard against the one as well as the other? Are we to recal our militia from the frontiers? It is said that there is no danger on the sea-coast from the Algerines, and therefore we have no occasion for ships of war. But if we lay down our muskets, are we in no danger from the Indians? A member has just now stated, that an English ship of war had behaved at Norfolk with the greatest insolence. This shows how improper it is to be exposed. If we cannot defend our commerce, give it up. Why should people try to walk who cannot stand? The objectors against the argument are penny-wise and pound-foolish. He thought it a sorry compliment to the good sense of the United States, of the Congress, and the Legislature, to say, that if we build six ships this year, we must never stop till we build one or two hundred.

Mr. T. complained of the perpetual allusions, in the business of the House, to the banking and funding systems. Gentlemen should have his very humble thanks, if they would argue the question on its own grounds. He had for some time doubted whether it might not be for the advantage of Government to tell people, at once, to defend themselves, as they could expect no protection from this country. Upon the whole, Mr. T. was of opinion, that this country was so circumstanced as to require the people to arm themselves; unless gentlemen would propose some other or better remedy for repelling the injuries we sustain.

Mr. FRIZZIMONS defended the report of the committee. They had gone upon good ground in proposing a naval armament, and he mentioned facts to prove that they had not gone by their own opinions. He observed that the force of Algiers was not increased since the independence of the United States, and that therefore their present operations could not be viewed as more particularly aimed at America than formerly. They do not want our provisions or our ships; plunder alone is their object; general plunder.

Mr. MADISON said, attempts had been made to reduce the present question to a pecuniary criterion. This might be thought conclusive, if it could be done with due accuracy. The calculations which had been made could never be satisfactory. To make them so, there ought to be a full statement of the amount the armament would cost, and the expense it would save in its effect on insurance. These statements must necessarily be made up so much of conjecture, that they could not lead to a very definite result. It might be of some use, however, in preventing error, to understand the true principles and grounds on which they ought to be formed, and which were conceived to be the following:

To the expense of the fleet, as estimated by the

committee, add at least the ordinary excess in the execution, in the proportion which experience in such cases suggests. Add, also, the insurance on the fleet itself, which is a fair and very important item in the expense.

On the other side of the account, separate the West India trade, which is out of the Algerine risk, from the rest of the trade; and the trade to Spain, Portugal, and the more Southern parts, which is subject to a greater, from the trade to the Northern parts of Europe, which is subject to a much less, if to any risk.

The return of exports for 1791, is—

To the West Indies - - - -	6,566,489
To Spain and Portugal, &c. - -	2,454,397
To North of Europe - - - -	8,550,665
	<u>\$17,571,551</u>

No return of imports being at hand for the same year, take the preceding year, for which the amount of some branches is known,

and call it - - - -	\$20,000,000
From the West Indies - - - -	4,000,000
From Spain and Portugal - - -	980,878
From more Southern places - -	1,000,000
From North of Europe - - - -	15,000,000
Exports and imports to and from the	

West Indies - - - - - 10,566,489

On this, the extra insurance, on account of the Algerine risk, if there be any, ought to be calculated, as also on the value of the tonnage employed.

Exports to and from Spain and Portugal - - - - - \$3,454,397

Deduct what will continue to go in neutral vessels.

Deduct from balance the proportion of winter freights when Algerines are not out.

Calculate on the final balance only the extra insurance.

Exports and imports to and from North of Europe - - - - - \$23,545,703

Deduct the large proportion that will continue to go in neutral vessels.

Deduct from the balance the proportion of winter freights.

Calculate on the final balance only the extra insurance.

Tonnage to and from Spain and Portugal - - - - - 48,698 tons.

Deduct for winter voyages.

Calculate on the balance only the extra insurance on the value of the vessels.

Tonnage to and from North of Europe - - - - - 97,820 tons.

Deduct for winter voyages.

Calculate on the balance only the extra insurance.

From the sum of these extra insurances, deduct the proportion that will remain, notwithstanding the equipment of the fleet, and which will consequently not be saved by the expense of it.

Mr. M. replied to several of the arguments of the gentlemen who were in favor of the resolu-

H. of R.]

Proceedings.

[FEBRUARY, 1794.]

tions. He went into some minute details respecting trade and commerce; and, particularly, remarked, that there was not any security for Portugal's renewing the truce with Algiers after the present term should expire.

Mr. GOODHUE.—The gentleman [Mr. MADISON] last up, from Virginia, as well as most others on his side of the question, have rested their chief argument against the equipment proposed in the resolution before us, on the probability that Spain and Portugal will, after the present war in Europe is over, find themselves under the necessity of restraining the depredations of the Algerine corsairs on our trade, from the want they will always be in for the productions of this country for their subsistence. That they will be in want of the productions of this country, and that they cannot well do without them, is granted; but can we doubt it would be good policy in Great Britain to continue the Algerines in peace with Spain and Portugal, and in hostility with us, in order that their ships, instead of ours, might be the carriers of those of our articles to Spain and Portugal which are so much wanted? This would be increasing the British carrying trade at our expense indeed. Spain and Portugal would not care what ships brought these articles, so that they had a supply. It is in vain, Mr. Chairman, that we pretend to be friends to the trade and navigation of this country, while we refuse to protect it. The merchants know it is within our ability to protect it against the Algerine corsairs, and unless we attempt it, they will justly think themselves neglected. And what will their language be?—that you have spent more than a million of dollars annually, for several years, in the protection of our frontiers, and now, when commerce, the source of all our revenue, is attacked, you deny it any kind of protection. Surely this is so unjust and impolitic, that it cannot be expected they will put up with it.

Mr. HARRISON was against the report; and Mr. MURRAY protracted the debate some minutes longer, by speaking against Mr. MADISON. At length the question was called for, when there arose in favor of the report 47, against it 45.

Mr. NEW brought in a report from the committee on the situation of the people from St. Domingo. The House then adjourned.

WEDNESDAY, February 12.

An engrossed bill for extending the time for transmitting the oaths of absent owners of vessels, and for the relief of Thomas Jenkins and Sons, was read the third time and passed.

The House resolved itself into a Committee of the Whole House on the bill for the remission of the duties arising on the tonnage of sundry French vessels, which have taken refuge in the ports of the United States; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amend-

ment, be recommitted to Mr. VENABLE, Mr. TALBOT, and Mr. LYMAN.

The House again resolved itself into a committee of the Whole House on the report of the committee appointed to report whether any, and what alterations or amendments are, in their opinion, necessary to the act "to establish the Post Office and Post Roads of the United States;" and, after some time spent therein, the Committee rose and reported progress.

THURSDAY, February 13.

A petition of Thomas Walley, William Tudor, William Payne, and John M'Lean, of Boston, in the State of Massachusetts, was presented to the House, and read, praying that an additional duty may be imposed on the importation of window glass, or such encouragement given to the manufacture of the said article within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition be referred to Mr. WATTS, Mr. COIT, and Mr. HINDMAN, to whom were referred the several memorials and petitions of the manufacturers of paint, in the towns of Baltimore and Alexandria; of the dealers in oil and painters' colors; of Thomas Pearsall, and Elijah Pell; of Thomas Perkins and Company; and of Samuel Swann; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House; and that Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE, be added to the said committee.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to report whether any, and what alterations or amendments are, in their opinion, necessary to the act "to establish the Post Office and Post Roads within the United States;" and, after some time spent therein, the Committee rose and reported progress.

Mr. HEATH, from the committee to whom was referred the report of the Secretary of the Treasury on the memorial of Winthrop Sargent, made a report; which was read, and ordered to lie on the table.

The order of the day for the House to resolve itself into a Committee of the Whole House on the report of the Standing Committee of Elections, in the case of the petition of Henry Latimer, complaining of an undue election and return of JOHN PATTON, the member returned to serve in this House for the State of Delaware, being called for,

Resolved, That the Committee of the Whole House be discharged from proceeding thereon, and that the hearing on the trial of the said contested election be now proceeded on in the House.

Ordered, That the petitioner, on his prayer, be admitted to the bar of the House, to be heard in support of the allegations of his petition.

The House then proceeded to the hearing on the trial of the said contested election; and the depositions and other exhibits being partly read, as, also, the observations in writing of the sitting member thereupon, an adjournment was called for; whereupon,

FEBRUARY, 1794.]

Contested Election.

[H. OF R.]

Ordered, That all further proceedings on the said hearing be adjourned until to-morrow.

FRIDAY, February 14.

A petition of M'Clellan, MacGregor, and Company, of Albany, in the State of New York, was presented to the House and read, praying that an additional duty may be imposed on the importation of glass, or such encouragement given to the manufacture of the said article within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition be referred to Mr. WATTS, Mr. COIT, Mr. HINDMAN, Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

DELAWARE CONTESTED ELECTION.

The House resumed the hearing on the trial of the contested election in the case of the petition of HENRY LATIMER, complaining of an undue election and return of JOHN PATTON, the member returned to serve in this House for the State of Delaware; and the depositions and other exhibits in the said case being fully read, the parties retired from the bar.

The House then proceeded to a decision on the said contested election; and, after debate thereon,

A motion was made and seconded that the House do agree to the following resolution:

Resolved, That JOHN PATTON is not entitled to a seat in this House:—

which was resolved in the affirmative.

Another motion being then made and seconded, that the House do agree to the following resolution:

Resolved, That HENRY LATIMER is entitled to a seat in this House, as the Representative of the State of Delaware:—

Mr. PAGE said:—I confess I doubt whether the sixty-eight freemen of Sussex ought to be deprived of the votes which they gave, merely because they did not vote for two persons instead of one; for I think the law, which must have been intended to secure their rights as electors, could not deprive them of their suffrage. The Constitution of the United States, it is true, gives the State Legislatures a right to regulate the time, place, and manner of holding elections; but I cannot prevail on myself to think that the words, “the manner of holding elections,” ought to be construed to extend to the words of the election law of the State of Delaware, so as to render the conduct of the sixty-eight freemen of Sussex a violation of that law; or, if it be a violation thereof, that the violation is of such a nature as to deprive them of a right which no law can abrogate; a right which should be held as sacred, and which it cannot become this House to diminish in the smallest degree. Thinking thus, sir, I doubted of the propriety of the vote which the House has given on the first question before it, viz: “that the sitting member is not entitled to a seat in this House.” Enter-

taining this doubt, I can have none respecting the question now before us, viz: “Is the petitioner entitled to a seat?”—for I cannot construe the Constitution of the United States, or the law of Delaware, so rigidly, as to think that we should call illegal the sixty-eight votes given in Sussex County; by which construction alone the House has declared Mr. PATTON not entitled to a seat—on which alone the petitioner, Mr. LATIMER, can found his claim. Had there been any violation of the law, of such a nature as tended to introduce corrupt elections, or to diminish the right of free suffrages, I should, with pleasure, give my voice to disgrace and render null any such conduct in future. But here is merely an act of freemen, perfectly compatible with their immutable, inalienable privileges; not inconsistent with the law of their State, but merely falling short of a provision in a law, calculated, it is said, to secure to them the full benefit of that inestimable privilege. I cannot, therefore, think, sir, that on such slight grounds, we ought to reject a member, elected by the freemen of Delaware, and duly returned; but should go on, and admit to a seat in this House a person not returned, and if returned, not having a majority of votes. In the case of the Georgia election, I voted for the reception of the petitioner, because he incontestibly proved (to my satisfaction at least) that he had a majority of legal votes, and that the sitting member had been returned by means of corruption, which the State endeavored to chastize and stigmatize. The Executive of that State showed an anxiety to support the claim of the petitioner. In the present case, there is no corruption proved or insinuated; no interference of the State; and a legal return, which, I suppose, was founded on such construction as I have put on the Constitution of the United States and the law of Delaware. The House, in the case of the Georgia election, differed from my opinion, and established (as some gentlemen called it) a precedent, which would keep the House clear from suspicions of partiality, and which I wish now to be observed. I acknowledge, excluding a member may be attended with inconvenience, but a double inconvenience may arise by depriving the citizens of a Representative—the man of their choice—and, at the same time, forcing on them one for whom a majority did not vote. For these reasons I shall vote against the resolutions.

The question was then resolved in the affirmative—yeas 57, nays 31, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beaty, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman, Samuel Holten, John Hunter, William Irvine, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Nathaniel Macon, James Madison, Francis Malbone, William Vans Murray, Francis Preston, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith,

H. OF R.]

Post Office Bill.

[FEBRUARY, 1794.]

Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Peleg Wadsworth, Richard Winn, and Joseph Winston.

NAYS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, William J. Dawson, William Findley, William B. Giles, James Gillespie, Christopher Greenup, Carter B. Harrison, John Heath, James Hillhouse, Matthew Locke, William Lyman, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Andrew Pickens, John Smilie, Abraham Venable, Francis Walker, Artemas Ward, Benjamin Williams, and Paine Wingate.

Whereupon, the said HENRY LATIMER took his seat in the House, as the member for the State of Delaware; the oath to support the Constitution of the United States being first administered to him by Mr. SPEAKER, according to law.

MONDAY, February 17.

The House resolved itself into a Committee of the Whole House on the Report of the committee to whom were referred the memorials of the people called Quakers, at their yearly meeting, held in Rhode Island, in the year, 1793; of the delegates from the several Societies for promoting the Abolition of Slavery, in convention assembled at Philadelphia, on the first day of January last; and of the Providence Society for abolishing the Slave Trade; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to prepare and bring in a bill or bills to prohibit the fitting out of any ship or vessel in any port of the United States, either by citizens of the United States or foreigners, for the purpose of procuring from any kingdom or country the inhabitants of such kingdom or country, to be transported to any foreign parts or places of the world, to be sold or disposed of as slaves.

Ordered, That Mr. TRUMBULL, Mr. WARD, Mr. GILES, Mr. TALBOT, and Mr. GROVE, be a committee pursuant to the said resolution.

Ordered, That the report of the committee to whom was referred the memorial of Arthur St. Clair, which was made on the first day of March last, be committed to a Committee of the Whole House on Thursday next.

POST OFFICE BILL.

The Post Office business was then taken up, in Committee of the Whole. A vast number of new post roads were ordered, without opposition. The Committee then came to the consideration of that part of the report which relates to newspapers, and it was moved, that the postage of them should be reduced to half a cent to distances not exceeding one hundred miles, and one cent for any greater distance. This was advocated on the ground, that newspapers from the Seat of Government, and the

large towns, must convey more complete information than selections from them by country printers in weekly papers; and that the editors of them not only possess more ample means of information, but are generally better informed. The motion was opposed, from a wish to encourage country presses, whose papers, it was said, did not lose on a comparison with the wretched productions of the Metropolis. The Committee rose, without taking a question, and the House adjourned.

TUESDAY, February 18.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act in alteration of the act establishing a Mint, and regulating the coins of the United States;" to which they desire the concurrence of this House.

Mr. HARRISON, from the committee appointed, presented a bill for the relief of Lucy Clark; which was read twice and committed.

Mr. VENABLE, from the committee to whom was re-committed the bill for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States, reported an amendatory bill; which was received, and read the first time, and on motion, was read the second time, and ordered to be engrossed, and read third time to-morrow.

The Post Office law was under discussion this day in Committee of the Whole. An amendment proposing the reduction of the postage on newspapers, viz: on those carried to any distance under an hundred miles, to half a cent, and those carried more than an hundred to one cent each, occasioned considerable debate; and was finally negatived, 44 to 40. A motion for further restricting the privilege of franking was also negatived. The Committee rose and reported progress.

WEDNESDAY, February 19.

An engrossed bill for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States was read the third time and passed.

The bill sent from the Senate, entitled "An act in alteration of the act establishing a Mint, and regulating the coins of the United States," was read twice and committed.

A memorial of John Frederick Amelung, James Labes, and Thomas Johnson, of Frederick county, in the State of Maryland, was presented to the House and read, praying that an additional duty may be imposed on the importation of window and other glass, or such encouragement given to the manufacture of the said article within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be referred to Mr. WATTS, Mr. COIT, Mr. HINDMAN, Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

FEBRUARY, 1794.]

Proceedings.

[H. OF R.]

Mr. PICKENS, from the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 13th ult., transmitting the copy of a Letter from Constant Freeman, Agent for the War Department in Georgia, to the Secretary of War, dated the first of January, one thousand seven hundred and ninety-four, with sundry enclosures relative to the Creek Indians, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you the copy of a Letter which I have received from the Chief Justice and Associate Justices of the Supreme Court of the United States, and, at their desire, the representation mentioned in the said Letter, pointing out certain defects in the Judiciary system.

G. WASHINGTON.

UNITED STATES, February 19, 1794.

The said Message and papers were read, and ordered to lie.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to report whether any, and what, alterations and amendments are, in their opinion, necessary to the act "to establish the Post Office and Post Roads of the United States;" and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made several amendments thereto, which were severally read twice, and agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said report, and that Mr. SEDGWICK, Mr. TRACY, Mr. GLENN, Mr. CLARK, Mr. FITZSIMONS, Mr. DENT, Mr. WALKER, Mr. McDOWELL, Mr. HUNTER, and Mr. DEARBORN, do prepare and bring in the same.

Mr. WILLIAM SMITH, from the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES of the 30th ultimo, enclosing the copy of a Letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as also, the petitions of Thomas Person and others, proprietors of lands in the Territory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Wednesday next.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to take into consideration the act "to establish the Judicial Courts of the United States," and report some provision in the case where any Judge of the Courts of the United States is, or may, by sickness, or other disqualifying cause, be rendered incapable of discharging the duties of his office; also, some further provision concerning bail, process, and costs, in the Courts of the United States; and, generally, to report such amendments to said act as they may judge necessary and Con-

stitutional; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made several amendments thereto; which were read, and ordered to lie on the table.

On a motion made and seconded that the House do come to the following resolution:

"Resolved, That so much of the act 'to establish the Judicial Courts of the United States,' as is, or may be, construed to require the attendance of the Marshal of each State, at each of the sessions of the Supreme Court, shall be repealed; and that, in future, the said Court shall be attended during session by the Marshal of the district in which they sit, unless by special order the Court shall require the same."

Ordered, That the said motion be committed to Mr. WILLIAM SMITH, Mr. JEREMIAH SMITH, Mr. MOORE, Mr. MURRAY, Mr. THATCHER, Mr. SCOTT, and Mr. CHRISTIE.

The House resumed the consideration of the report of the committee to whom was referred the memorial of Andrew G. Fraunces: Whereupon,

Resolved, That the reasons assigned by the Secretary of the Treasury for refusing payment of the warrants referred to in the memorial, are fully sufficient to justify his conduct; and that, in the whole course of this transaction, the Secretary and other officers of the Treasury have acted a meritorious part towards the public.

Resolved, That the charge exhibited in the memorial against the Secretary of the Treasury, relative to the purchase of the pension of Baron de Glaubeck, is wholly illiberal and groundless.

THURSDAY, February 20.

The House, according to the standing order of the day, resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, and come to several resolutions thereupon; which he delivered in at the Clerk's table.

Ordered, That the said resolutions do lie on the table.

FRIDAY, February 21.

A petition of Josiah G. Pierson, of the City of New York, was presented to the House and read, praying that such further and additional restrictions may be laid on the importation of nails from foreign countries as may be deemed expedient to encourage the manufacture of the said article within the United States.

Ordered, That the said petition be referred to Mr. WATTS, Mr. COIT, Mr. HINDMAN, Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Report from the Secretary of War, communicating an adjudication of the Supreme Court of the United

States, declaring the claims of certain invalid pensioners under the act, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations, heretofore established, and to regulate the claims to Invalid Pensions," not to be valid; which was read, and ordered to lie on the table.

NAVAL ARMAMENT.

The House proceeded to consider the resolutions reported yesterday by the Committee of the Whole House on the state of the Union: Whereupon,

The question being taken on the first resolution, in the words following to wit:

"Resolved, That a Naval force, to consist of four ships of forty-four, and two ships of twenty guns each, be provided for the protection of the commerce of the United States against the Algerine cruizers:"

It was resolved in the affirmative—yeas 43, nays 41, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittara, Henry Latimer, Richard Bland Lee, Francis Mulbone, William Vans Murray, Thomas Scott, Theodore Sedgwick, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Artemas Ward, John Watts, and Richard Winn.

NAYS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, William Barry Grove, Carter B. Harrison, John Heath, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mcbane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, Nathaniel Niles, John Page, Andrew Pickens, Francis Preston, Robert Rutherford, John S. Sherburne, John Smilie, Thomas Tredwell, Abraham Venable, Francis Walker, Paine Wingate, and Joseph Winston.

The second resolution being taken up, in the words following:

"Resolved, That, for the purpose of defraying the cost of a Naval armament, and the annual expense thereof, after the — day of —, there shall be levied, collected, and paid, upon all goods, wares, and merchandise, imported into the United States, and on which a duty of seven and a half per cent. is now payable an additional duty of one per cent.:"

Mr. DAYTON said, that, as on a former day, he had pledged himself to the House, to offer an amendment to the above resolution, he was now prepared to do it, and should take up very little of the time of the Committee in general prefatory remarks.

No member present, he said, could be ignorant that the articles falling under the description of those subjected to a duty of seven and a half per

cent. were for the most part purchased and used by the poorer classes of the people, who were less able to bear additional burdens than any other. That indeed very many of those articles, and some of the most important of them were real necessities, and could not be furnished in this country, but must be brought from abroad, for a long time at least to come; among which he particularly mentioned coarse woollens, &c.

That, under this impression, he took the liberty to move, that instead of laying one per cent. additional duty, as the Select Committee had reported, on those articles, it might be reduced to one half per cent. only.

Mr. D. said, he was aware that the reduction of one half, as proposed by him, would occasion a diminution in the sum to be raised of about 75,000 dollars, under that head of revenue, but that the Committee of the Whole might see and understand his whole plan and object, before they decided upon a part, he would in his place, read to them what he intended to offer as a substitute to remedy that deficiency.

Here Mr. D. read a variety of specific articles, which, he said, were either luxuries of life, and consequently consumed or used by those who were most able to pay the duties, or articles which our own artists or manufacturers could supply in sufficient quantity, especially if this small additional protection could be held out to them.

The principal of them were as follows, viz:

On boots, an additional duty of twenty-five cents per pair.

On shoes and slippers for men and women, and on clogs and golo-shoes, five cents per pair.

On shoes and slippers for children, three cents per pair.

On millinery ready made, and artificial flowers, feathers, and other ornaments, for women's head dresses, dolls, dressed and undressed, toys, five per cent. ad valorem.

On cast, slit, and rolled iron, and generally all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being otherwise particularly enumerated (brass and iron wire, locks, hinges, hoes, anvils, and vices, excepted,) cabinet wares, carpets, and carpeting; two per cent. ad valorem.

On leather tanned and tawed, and generally all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated; two per cent. ad valorem.

On medicinal drugs, except those commonly used in dying, mats and floor cloths, hats, caps, and bonnets of every sort for women, gloves, mittens, stockings, fans, buttons of every kind, buckles, shoe and knee, sheathing and cartridge paper, all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions, commonly called sweet scents, odours, perfumes, or cosmetics, and all dentifrice, powders or preparations for the teeth or gums; two per cent. ad valorem.

On gold, silver, and plated wares, gold and silver lace, jewelry, and paste work, clocks and watches, and the following groceries, viz: cinnamon, cloves, nutmegs, ginger, anniseed, currants, dates, figs, plums, prunes, raisins, sugar candy, oranges, lemons, limes, and

FEBRUARY, 1794.]

Naval Armament.

[H. OF R.]

generally all fruits, and comfits, olives, capers, pickles of every sort, oil, and mustard in flour; two per cent. ad valorem.

On all manufactures of cotton, of which cotton is the chief material, printed, stained, or colored; one and a half per cent. ad valorem.

On all marble, slate, and other stone; on bricks, tiles, tables, mortars, and other utensils of marble, or stone, and generally upon all stone and earthenware, an additional duty of five per cent.

On ships or vessels of the United States employed in foreign trade, six cents per ton; on all other ships and vessels, twenty-five cents per ton.

The additional duties which he had proposed on the articles he had thus particularly enumerated, would amount to about 75,000 dollars, which would be the diminution occasioned by the reduction of a half per cent. agreeably to this motion.

Mr. D. said, that he hoped every member, whether he favored or opposed a Naval armament to protect our commerce and our coast and harbors, would aid him and his endeavors to render the ways and means for raising the moneys as little burdensome and as unexceptionable as possible. If the resolution for building and equipping the five frigates should ultimately be negatived, it by no means followed that the time spent in the discussion and amendment of the resolution immediately under consideration, would be uselessly spent. In any future call for money, the ways and means which should be on this occasion preferred, would probably be resorted to, and it was therefore of importance, that all should unite their exertions to make the measure as unobjectionable as possible.

So far as the encouragement of our own manufactures could be made to consist with the increase of revenue, it was certainly desirable to effect it; and it was with a view to both those important objects, that he had selected the articles which he enumerated. It was to be remembered, Mr. D. added, that it was not now a question whether they should raise more money, (this had already been determined,) but whether the increase of duties should fall upon articles of luxury, and such other articles as the United States were capable of supplying within themselves, independently of foreign countries.

After considerable discussion, which turned principally upon the propriety of affording the protection and encouragement which was contemplated in the amendment in favor of the iron and of the iron manufactures of the United States, it was moved and carried, that locks, hinges, and two or three other articles (which it was said, could not be manufactured in this country,) should be excepted.

The propositions of Mr. DAYTON were then agreed to, and were adopted as part of the report of the Committee.

The remaining resolutions were then adopted, as follows:

Resolved, That the like drawbacks and allowances be made of the said additional duties as are now made of other duties upon goods exported from the United States.

Resolved, That a separate account of the said duties be kept.

Resolved, That the President of the United States be authorized to receive on loan, a sum not exceeding — dollars, to be applied towards the building and equipment of the said Naval armament, at an interest not exceeding — per cent. per annum; and that the said loan be open to any individual or body politic or corporate within the United States.

Resolved, That the revenues herein before recited be pledged for the payment of the interest on the loan aforesaid, for the annual expense of the said armament; and that the surplus of such revenue be applied to the repayment of the principal, and to no other purpose whatever."

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. FITZSIMONS, Mr. GOODHUE, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MALBONE, Mr. BOUDINOT, Mr. PARKER, Mr. MACON, Mr. WINN, Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. BALDWIN, Mr. ISRAEL SMITH, Mr. LATIMER, and Mr. DAYTON, do prepare and bring in the same.

Resolved, That a committee be appointed to report whether any, and what, sum may be necessary to be loaned for the purpose of carrying on the public service for the year one thousand seven hundred and ninety-four.

And a committee was appointed, of Mr. SEDGWICK, Mr. GILES, and Mr. DEARBORN.

The House again resolved itself into a Committee of the Whole House on the bill making appropriations for support of Government, for the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were severally twice read and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

MONDAY, February 24.

An engrossed bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-four, was read the third time and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The extracts which I now lay before you, from a Letter of our Minister at London, are supplementary to some of my past communications, and will appear to be of a confidential nature.

I also transmit to you copies of a Letter from the Secretary of State to the Minister Plenipotentiary of His Britannic Majesty, and the answers thereto, upon the subject of the treaty between the United States and Great Britain; together with the copy of a Letter from Messieurs Carmichael and Short, relative to our affairs with Spain; which Letter is connected with a former confidential Message.

G. WASHINGTON.

UNITED STATES, February 24, 1794.

The said Message and papers were read, and ordered to lie on the table.

TREASURY DEPARTMENT.

Mr. GILES called up his resolution, laid on the table in the early part of the session, which resolution is in the following words:

"Resolved, That a committee be appointed to examine the state of the Treasury Department, and that they be instructed to report to the House, generally, thereon; and, among other things, more particularly:

"1st. Whether the form of keeping the accounts be calculated to effectuate the disposition of the public moneys, as prescribed by law.

"2d. Whether the cash receipts, from the domestic resources, have exceeded, equalled, or fallen short of the domestic cash expenditures, from the establishment of the Government to the first day of January, one thousand seven hundred and ninety-four; remarking the dates and amount of any excess, or deficiency, quarterly.

"3d. Whether the Sinking Fund, at the time of its establishment, consisted of cash or bonds; specifying, in the latter case, as nearly as may be, the several dates at which any sum or sums of such bonds became payable.

"4th. What proceedings have been made under the laws of the fourth and twelfth of August, one thousand seven hundred and ninety, authorizing loans of money, and what authorities were given for those proceedings. That they also state, in dollars and cents, the gross principal of debt in Holland, produced to the United States by the said loans, and the precise amount of the principal of the foreign debt, which has been discharged thereby: what portion of such loans has been drawn to the United States, at what dates, and by what authority; in what manner such drafts have been applied; under what forms and checks those drafts were made; and whether the moneys raised thereby were immediately deposited in the Treasury; if not, in what places, and to what amount, were such moneys deposited; how much time elapsed after such loans, before the said moneys came into the Treasury; whether a complete fulfilment of our engagements to France was, in any degree, obviated by such drafts; whether any portion of the French debt remained unpaid, at the end of one thousand seven hundred and ninety-two; and whether any balance of the said debt is yet unpaid. And that the Committee do also report the date of the first information to this House, communicating the said drafts; and whether any call of the House was made upon the Treasury Department, which embraced the idea of a previous disclosure thereof.

"5th. That the committee be also instructed to report the whole amount of the existing debt of the United States, discriminating the domestic from the foreign debt, and specifying the amount of domestic debt bearing a present interest of six per centum; the amount bearing a present interest of three per centum, and the amount deferred. That they also report the increase or decrease of the whole debt of the United States, and the operation of the Sinking Fund, to the end of the year one thousand seven hundred and ninety-three."

Mr. GILES observed, that very shortly after the meeting of Congress, he had laid this resolution on the table, under a conviction of the propriety of the measure, and the hope of a speedy decision upon it. An occurrence took place a few days afterwards, which produced a temporary delay. An individual presented a memorial to Congress,

containing some suggestions against the official conduct of the gentleman at the head of the Department; and to have pressed the inquiry into the general state of the Treasury, during the pendency of those suggestions, might have been deemed a violation of delicacy and propriety. Very soon after the imputations from that source were done away by report of a committee, he had called up the resolution, but the House, acting under the impressions produced by the delicate crisis of our external affairs, refused to enter into the consideration of the subject at that time.

Mr. G. remarked, that while on the one hand he was desirous of looking into a subject which he deemed important to the public welfare, as well as to gratify an officer in a request which he conceived had been impelled by the delicacy of his situation, he was not unwilling, on the other hand, to yield to the opinion of the House, which induced an immediate attention to our affairs with foreign nations. The subjects of commercial regulations, and the naval armament, being now out of the view of the House, at least for some days, he hoped the chasm would be filled by the consideration of the resolution he had proposed. He could not help remarking, that at an early period of the session this resolution had been termed the torch of discord. He thought if it could be viewed with impartiality, and according to its own design, it would not be found to possess that character. The primary object of the resolution is, to ascertain the boundaries of discretion and authority between the Legislature and the Treasury Department. To effect this object, it becomes necessary to have a knowledge of the state of the Treasury Department. This appeared to him an obvious duty of the House of Representatives, operating equally upon every individual of whom it is composed; it therefore seemed strange to him, that an attempt to discharge an essential duty should be construed into a design to interrupt the harmony of deliberation.

If to require a full and comprehensive view of the public finances, and the modes in which they are contributed and distributed, be construed into an effort at discord, it must arise either from the opinion that Congress already possess this view, or from the principle that they ought not to possess it, but that the whole knowledge of this subject should be left to the Treasury officers. If this doctrine be contended for, he thought it ought to stimulate the exertions of those who believed it to be subversive of the primary principle of the Constitution. He requested the House to accompany him in making a few reflections upon this subject.

The Debt of the United States forms an important item of legislation. Its system is intricate, its extent unknown; it embraces the interests of a very sagacious and powerful class of citizens. It is made, by the Constitution, the peculiar province of the Representatives, immediately chosen by the people, to superintend the contributions and the distributions of all public moneys. This may be deemed the highest duty of the Representatives. It may be asked—How

FEBRUARY, 1794.]

Treasury Department.

[H. OF R.]

this most important of duties can be understandingly performed, but by a knowledge of the whole machinery of the Treasury Department? There can be no prospect of acting wisely, where there are no means of judging rightly. The omission to discharge this important Legislative function, by the Representatives, will necessarily cause it to be performed by the Head of the Department. A species of laws will grow out of an inattention to, and a consequent ignorance of, this subject, which may be called the rules of office, the forms of the Treasury, the practical constructions of laws contravening the legal constructions. In all conflicts between this species of laws and the laws pronounced by the Constitutional tribunal, the advantage would be in favor of the Treasury system: because this would be the practical, that the theoretic system of legislation. An inattention to this subject, which is an intricate and complicated one, and a consequent ignorance of it might, in a course of time, leave to the Legislature the mere right of registering Treasury edicts. It may be said, that this is not the case at present. It is not proposed to give any opinion on this point. The remarks have been intended to show the probable tendency of intrusting this important branch of legislation to the Treasury Department; which would be the infallible consequence of the ignorance of the Legislature of the Treasury proceedings. The propriety of placing confidence in the Executive officers, is an argument very familiar to this House. To a certain extent, it is in every respect proper. It is proper, so long as the officer confines himself to his legal designated functions. If in any case he should exceed these, it becomes the duty of the Legislature to notice the proceeding. It is also the duty of the Legislature to ascertain his functions by law, and to limit his discretion. This argument of confidence in the Executive officers may easily be carried to a dangerous excess. The people have confidence in their Representatives; they bestow on them certain trusts, and impose on them certain duties. The Representatives have confidence in the Executive officers: they transfer to them these trusts and these duties. What would be the result? A complete and radical change in the most essential character of the Government. Instead of the Legislature prescribing rules of conduct to the people, the Executive officers would prescribe them; and the Legislature would be of no other use than to legalize Executive proceedings. This would be a desertion of the trust reposed in the Representatives. The consideration of individual ease, would always operate in favor of this idea. The argument of individual interest might possibly aid it in some instances, and the argument of policy in others; for there may be some individuals who might possibly prefer that to the Constitutional state of things. These remarks had been made to show, in very general terms, the impressions which the subject had made on his mind; to exhibit its general object; to prove that it was not unimportant; and that, if such should be the opinion of the House, the stage of the session required that it should receive immediate attention.

Mr. PAGE said, that he looked upon those resolutions as the only proper objects of the proposed committee; as being those on which the chief view of the author of them was fixed; and which, too, came up exactly to the ideas of the Secretary himself, as expressed in his Letter, calling on the House for an inquiry into his conduct. He was surprised to hear gentlemen talk of exciting suspicions, by setting on foot such an inquiry: for his part, were he the Secretary, he should never rest till his requisition of an inquiry had been fully complied with. That an inquiry into the conduct of the Treasurer ought to be made, (as it was annually in the State from which he came, where a committee of both Houses not only examined the Treasurer's accounts, but corrected and weighed his money,) notwithstanding his honesty and virtue; and that this examination had been found useful and necessary, for deficiencies had been discovered; and in one instance by the Treasurer himself, (although it had escaped the Committee,) who honestly informed the Assembly of it, and only asked time to replace the deficient money, which he did. As to the impropriety of revising the proceedings of the House of Representatives in their last session, he thought nothing of it—not as much as he should of repealing one of its laws; and surely as it could not be denied that this House had a right to examine any proceedings of the last, which had received the sanction of the Senate and President too, it must be very extraordinary to doubt its right to revise the proceedings of the House of Representatives alone, and more so when that revision has been requested, even by the Secretary of the Treasury, the person who was the particular object of those proceedings.

Ordered, That Mr. BALDWIN, Mr. HUNTER, Mr. McDOWELL, Mr. GILES, Mr. GREENUP, Mr. DENT, Mr. LATIMER, Mr. IRVINE, Mr. BRATTY, Mr. VAN CORTLAND, Mr. NILES, Mr. SWIFT, Mr. MALRONE, Mr. COFFIN, and Mr. WINGATE, be a committee pursuant to the said resolution.

TUESDAY, February 25.

Mr. GILES, from the committee to whom was recommitment the bill providing for destroyed certificates of certain descriptions, reported an amendatory bill; which was read twice and committed.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act in alteration of the act for establishing a Mint, and regulating the coins of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time and passed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the memorial of Arthur St. Clair; and, after some time spent therein, the Committee rose and reported progress.

H. OF R.]

Proceedings.

[FEBRUARY, 1794.]

WEDNESDAY, February 26.

A petition and representation of the pilots of Ocracock bar, in the State of North Carolina, masters of vessels, and merchants, owners of vessels, trading in and out at the same, was presented to the House and read, suggesting various reasons against the erection of a light-house on Ocracock Island, and praying that the same may be erected on Shell-Castle Island, in the harbor of Ocracock.

Ordered, That the said petition and representation be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

Resolved, That the committee appointed to inquire into the state of the Treasury Department, have power to send for persons, papers, and records.

Ordered, That a committee be appointed to consider and report on the propriety of remitting the duty on imported bar iron, in certain cases; and that Mr. SAMUEL SMITH, Mr. FITZSIMONS, and Mr. SEDGWICK, be the said committee.

Resolved, That so much of the Speech of the PRESIDENT OF THE UNITED STATES, as respects arms and military stores, magazines, and arsenals, together with the return of arms and military stores, reported by the Secretary for the Department of War, be referred to a special committee, and that they report whether any, or what, addition ought to be made to any or all of these objects; with an estimate of the expense of any augmentation they may recommend.

Ordered, That Mr. FITZSIMONS, Mr. GOODHUE, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MALBONE, Mr. BOUDINOT, Mr. PARKER, Mr. MACON, Mr. WINN, Mr. GULMAN, Mr. WATTS, Mr. ORR, Mr. BALDWIN, Mr. ISRAEL SMITH, Mr. LATIMER, and Mr. DAYTON, be a committee pursuant to the said resolution.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Lucy Clark; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

On a motion made and seconded, that the said bill be recommitted to a select committee, it passed in the negative.

Resolved, That the injunction of secrecy, imposed by the House in the case of the Letter from the Secretary of State to the British Minister, and the answer thereto, communicated by Message from the PRESIDENT on Monday last, be removed, and that the said letters be considered as public.

THURSDAY, February 27.

Mr. SEDGWICK, from the committee appointed to report whether any, and what, sum may be necessary to be loaned for the purpose of carrying on the public service for the year one thousand seven hundred and ninety-four, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of War, on the petition of William M'Hatton;

and after some time spent therein, the Chairman reported that the Committee had had the said Report under consideration, but come to no resolution thereupon.

Ordered, That the Committee of the Whole House be discharged from the farther consideration of the said Report; and that Mr. BOUDINOT, Mr. GREENUP, and Mr. BAILEY, be a committee to report whether any, and what, alterations or amendments are in their opinion necessary to the act "to regulate the claims to Invalid Pensions."

On a motion made and seconded, that the House do come to the following resolutions:

Resolved, That provision ought to be made by law for the payment of the interest on the balances credited certain States, in the books of the Treasury, upon the final settlement of the accounts between the United States and the individual States.

Resolved, That the balances due from sundry of the States, on the final settlement of the accounts between the individual States and the United States, ought to be paid in — years, by annual instalments."

Ordered, That the said motion be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House on the bill for the remission of certain duties; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be engrossed, and read the third time, it passed in the negative. And so the said bill was rejected.

Mr. WILLIAM SMITH, from the committee to whom was referred the motion of the 19th instant, "for the repeal of so much of the act 'to establish the Judicial Courts of the United States,' as is or may be construed to require the attendance of the Marshal of each State, at each of the sessions of the Supreme Court, and providing that, in future, the said Court shall be attended during session by the Marshal of the District in which they sit, unless by special order the Court shall require the same," made a report. Whereupon,

Resolved, That it will be proper to pass a law repealing so much of the act "to establish the Judicial Courts of the United States," as is or may be construed to require the attendance of the Marshals of all the Districts at the Supreme Court, and enacting that the said Court shall be attended, during its session, by the Marshal of the District only in which the Court shall sit, unless the attendance of the Marshals of other Districts shall be required by special order of the Court.

The House then proceeded to consider the amendments reported by the Committee of the Whole House, on the nineteenth instant, to the report of the committee appointed to take into consideration the act "to establish the Judicial Courts of the United States," and report some provision in the case where any Judge of the Courts of the United States is, or may, by sickness, or other disqualifying cause, be rendered incapable of discharging the duties of his office; also, some further provision concerning bail, process, and

FEBRUARY, 1794.]

State of the Treasury.

[H. OF R.]

costs, in the Courts of the United States; and, generally, to report such amendments to the said act as they may judge necessary and Constitutional; and the said amendments being severally twice read, were, on the question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in, pursuant to the said report as amended, and to the preceding resolution, and that Mr. WILLIAM SMITH, Mr. JEREMIAH SMITH, Mr. MOORE, Mr. MURRAY, Mr. THATCHER, Mr. SCOTT, and Mr. CHRISTIE, do prepare and bring in the same.

Ordered, That there be a call of the House to-morrow, at twelve o'clock.

The House proceeded to consider the report of the committee to whom was referred the petition of Henry Hill. Whereupon,

Ordered, That the said report be committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said committee; and, after some time spent therein, the Committee rose and reported progress.

The House proceeded to consider the report of the committee to whom was referred the petition of Lieutenant Colonel Tousard. Whereupon,

Resolved, That there be allowed to the said Lieutenant Colonel Tousard an equivalent for his pension for life, agreeably to the rule of commutation, as adopted by the United States, in lieu of the half pay to the officers of the late Army.

Ordered, That a bill or bills be brought in, pursuant to the said resolutions, and that Mr. SAMUEL SMITH, Mr. THATCHER, and Mr. LEARNED, do prepare and bring in the same.

FRIDAY, February 28.

Mr. TRUMBULL, from the committee appointed, presented a bill to prohibit the carrying on the slave trade from the United States to any foreign place or country; which was read twice, and committed.

Mr. FITZSIMONS, from the committee appointed to prepare and report to the House an estimate of the expense that will be requisite to place the principal seaports and harbors of the United States in a state of defence, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report such standing Rules and Orders of proceeding as may be proper to be observed in this House; and, after some time spent therein, the Committee rose and reported progress.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury, of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Committee rose and reported progress.

ON THE STATE OF THE TREASURY.

Mr. SEDGWICK called up a report of a select committee to whom it had been referred, to report

whether any, and what, sum was necessary to be borrowed for the service of the current year. The report states it to be expedient that the President should be authorized to borrow \$1,000,000, if in his opinion the same shall be necessary. The report was referred to a Committee of the Whole, and the House resolved itself into a Committee accordingly.

The report being read, Mr. SEDGWICK said it was the duty of the select committee to state the several steps which had been taken in the progress of their inquiry, and the facts which had come to their knowledge during the investigation, that the result which was expressed in their report might have its merits decided on by the Committee of the Whole.

He stated that, however inadequate the actual receipts of the revenue might be to discharge all the demands made on the Government, there was in fact no deficiency in the funds appropriated to the discharge of those demands. The deficit was owing merely to the credit which, for the convenience and benefit of trade, was allowed to the merchants; and that, in fact, the bonded duties were more than equal to meet all the demands on the Treasury. This credit, it would be remembered, extended from four months to two years.

He next stated that, by the report now in the possession of the Committee, that the deficiency at the end of the present quarter would amount to \$621,294 18. The select committee were not fully acquainted with the Bank transactions in relation to the Treasury, and were uncertain whether money deposited in Banks by Collectors of revenue was considered as in the Treasury from the time of the deposit. He observed, that this doubt arose from considering the law constituting the Treasury Department, by which it appeared that the Secretary's warrant was as well required for paying money in, as for issuing it from the Treasury. It might therefore happen, if the deposit money was not considered as in the Treasury, that the apparent deficit reported, of \$621,291 18, might exist, while, in fact, there might be at the disposal of Government a sufficient sum completely to answer every demand.

Mr. S. said that, contemplating the subject in this view, the select committee had thought it their duty to submit certain questions to the Secretary, which they had accordingly done; the import of which was, "whether money collected on account of the United States, in Banks, was from the time of deposit considered as in the Treasury? Or, are any, and if any what, means necessary to subject money so deposited to the control of the Treasurer? And in the latter case who is, from the time of such deposit until it passes into the Treasury, responsible to the United States? Is any money now so deposited capable of being drawn into the Treasury? And, if any, is the probable amount such as to render a pre-ent provision for a loan inexpedient or unnecessary?"

Mr. S. then read the following Letter, addressed to him as Chairman of the select committee, from the Secretary of the Treasury:

H. OF R.]

State of the Treasury.

[FEBRUARY, 1794.]

TREASURY DEPARTMENT, February 25, 1794.

SIR: The following are answers to the questions stated in your Letter of the 22d instant, viz.:

Answer to question the first.

"All moneys collected on account of the United States, and deposited in the Banks to the credit of the Treasurer, are considered as in the Treasury from the time of the deposit. The steady course with regard to the standing revenue is, that the money deposited in Bank passes immediately to the credit of the Treasurer.

"But it is necessary, to discharge the payers, that receipts of the Treasurer should be endorsed upon warrants signed by the Secretary, countersigned by the Comptroller, and registered by the Register, which is the course regularly observed.

Answer to question the second.

"After moneys are deposited in Banks to the credit of the Treasurer, they are in his control, though they may not legally be disbursed but upon warrants of the above description. If deposited without passing in the first instance to the credit of the Treasurer, the means used for placing them in his custody and disposal are warrants of the like kind.

Answer to question the third.

"In respect to any moneys of the United States, deposited in Banks, but not passed to the credit of the Treasurer, the Banks are considered as directly responsible to the United States; in the case of deposits to the credit of the Treasurer, they are responsible, in the first instance to him, ultimately to the United States.

Answer to question the fourth.

"Only two cases are recollected, in which moneys of the United States may be considered as having been deposited in Bank without passing, in the first instance, into the account of the Treasurer. These relate, first, to the proceeds of foreign bills sold for the Government and received by the Bank, (all accounts of which are now finally closed;) second, to the sum of \$200,000, being the only sum now so deposited, which arises from the last loan had of the Bank. It is left (subject to the eventual decision of the Legislature,) as an offset against the second instalment of the two million loan from the Bank.

"The effect of the operation will be this: An interest of six per cent., payable to the Bank upon the instalment, will be extinguished from the 31st December last, by an interest of five per cent., payable to the Bank upon the sum borrowed of itself and left in deposit. And it has been endeavored thereby, to preserve consistency and regularity in the arrangements of the Treasury. The first instalment, by leaving in deposit an equal sum of the proceeds of foreign bills, was considered as effected on the 31st December, 1792, though there was not power to consummate the payment till some months after. Hence, it becomes regular, that each succeeding instalment should be paid on the last of December of each year. The provisional measure, thus adopted, was the only expedient in the power of the Treasury to reconcile, as far as practicable, considerations relative to the public interest and credit, with legality of procedure. Neither the sum in deposit, on the one hand, nor the instalment payable to the Bank, on the other, is brought into the probable state of cash lately presented to the House of Representatives; because they balance each other and leave the result the same.

"There are no existing sources from which moneys can come into the Bank on account of the United States,

except from the proceeds of the revenue, which, as far as known, are comprised in the statement before the House of Representatives. So that there is no resource but a loan which can supply the deficit of receipt in the course of the present and succeeding quarters, compared with the expenditure; without one, a failure in the public payments is inevitable.

"If what has been said should not give the Committee the light they desire, it is imagined that personal explanations would lead more fully to their object than the course of written interrogatories and answers, which can only partially embrace the subject, and may procrastinate a right understanding of it.

"I am, sir, with esteem and regard, &c.,

"ALEX. HAMILTON.

"THORODRE SEDGWICK, Esq.,

"Chairman of the Committee."

After reading this Letter, Mr. S. observed, that the business as transacted, in the manner stated in the Secretary's Letter, was the most beneficial possible for the United States, because it prevented any money, at any time collected for the public, lying beyond the reach of the Government and useless. He further observed, that gentlemen would remember that it was necessary, not only to provide for a deficiency which might exist at the end of the current quarter, but also for that next succeeding. That, to enable the select committee to discharge the duty which they owed to the House in this respect, it had been thought expedient to call on the Secretary. This they had accordingly done; and had extended their inquiry to that period to fulfil the object of their commission. That the estimate resulting in their report was formed of the best materials they could collect. He said that, in several particulars, it was probable that the estimate might not be justified by events. It ought, however, to be remembered, that it was the duty of the Legislature to put the preservation of the public credit almost beyond the reach of the possibility of being injured.

The first article, he mentioned, was the deficit which would exist on the first of April, amounting, as clearly reported to the House, to \$621,294 18—1,000,000 florins were to be paid in Holland by the first of July. The committee had agreed to estimate this at \$400,000, though, according to the present rate of exchange, it would amount to about \$40,000 more. Gentlemen would undoubtedly perceive that it was for the public interest that this object should be provided for as early as possible, that advantage might be taken of the occurring circumstances, so as to conduct the business most profitably for the United States. One quarter of the interest of the Public Debt was \$700,000; one quarter of the Civil List was estimated at \$50,000. This he said would amount to somewhat more, owing to the increase of the number of the members of the Legislature. The remaining item mentioned by him was the Army expenditures, estimated at \$375,000. This item, he observed, might vary more from the estimate than any of the preceding. It might rise considerably above it, it might fall considerably below. The conjecture would, however, be found probably not far from the truth. The aggregate of these

FEBRUARY, 1794.]

State of the Treasury.

[H. OF R.]

several items amounted to \$2,116,294 18. To satisfy this sum, it appeared, by returns in the Secretary's office, that there would fall due of duties on imports and tonnage, in the months of April, May, and June, and of course in season to meet the demands which may be made on the first of July, \$448,802 22. There will also be received, in the same period, one quarter of the annual duties on distilled spirits, amounting by estimate to \$100,000; which, added to the returned amount of the duties as before stated, of \$448,802 22, makes an aggregate of \$548,802 22. This sum, deducted from the aggregate of the estimated demands which may become necessary to be discharged, being as before stated \$2,116,294 18, would leave a balance to be provided for by loan of \$1,597,491 96.

He observed, however, that there were two considerations which would considerably lessen this balance. These were, first, that there was a deficiency of returns of bonded duties; and, second, the revenue of the present year, arising from imports and tonnage, which would be in fact received previous to the first day of July. These two articles the Secretary had estimated at \$600,000; this he had founded on his experience on this subject. The committee had thought their report might result in round numbers, departing somewhat from the Secretary's estimate, by reducing the \$600,000 to \$597,491 96, leaving, according to their report, a balance of \$1,000,000 to be provided for by loan.

Mr. S., said, it was true that all the demands on the Treasury might not be made at the precise moment they became due. It was, indeed, probable that the money due to foreign officers in particular might not; but he repeated that it was the duty of the Legislature to put the public credit beyond the reach of injury; and that, by the report of the select committee, the authority to borrow was only to exist in the case of necessity.

Mr. GILES said, the Chairman of the select committee had made a fair and comprehensive statement of the conduct of the committee, as far as he had gone; there were, however, some facts which he had omitted, that he thought should be communicated. He said that in the course of the committee's investigation, it had appeared that the contract contemplated by the act for incorporating the Bank, had been dated either in June or July. It had, however, been agreed that it should have a retrospective effect, so as to interest the United States in the Bank from the commencement of its operations. He thought it also his duty to state to the committee, though not in opposition to the report, that it had been made a question whether the payment of the instalments due to the Bank from the United States should be considered as falling due at the time of the commencement of its operations, or at the time of executing the contract. That this question had been referred to the Attorney General, who had given an opinion in favor of the latter period. That the Secretary, notwithstanding, had, in opposition to this opinion, made the first payment in December, very near the time when the Bank commenced its operations, instead of June or July when the contract

was executed. Mr. G. said he merely stated these facts, believing the committee should be acquainted with them.

Mr. SEDGWICK said, the facts mentioned by the gentleman from Virginia [Mr. GILES] had appeared during the investigation of the committee, and were truly stated. That he himself should have mentioned them, had he supposed they could have any influence in determining the question under consideration. That, when this question was decided, he would bring forward a motion by which the House should be officially possessed of a knowledge of those facts. At present, he would only observe to the committee, that it was true the contract between the Secretary and the Bank, in pursuance of the legal provision, was executed in June or July; that it was, by the contract, agreed that it should have a retrospective operation to the time of the commencement of the negotiations of the Bank. It ought, however, to be noticed, that by this means the United States were obliged to pay an interest of six per cent. on the amount of their subscription for the time preceding the date of the contract, but they were for the same time interested in the profits of the Bank, which, amounting to considerably more than six per cent., the difference was a clear balance in favor of the public. It was also to be observed that, by paying the instalments in December, instead of June or July, a debt due from the Government, bearing an interest of six per cent., was exchanged for one bearing an interest of five per cent., so that in both the instances mentioned by the gentleman, there was a clear and manifest saving to the United States.

The report of the select committee was agreed to and adopted by the House, and Mr. SEDGWICK, Mr. GILES, and Mr. DEARBORN, were directed to report a bill conformably thereto.

Mr. SEDGWICK then moved that the Secretary of the Treasury be directed to furnish the House with a copy of the contract made in pursuance of the eleventh section of the act for incorporating the subscribers to the Bank of the United States; also, a copy of any opinion which may have been given by the Attorney General, relative to a construction of the contract; and that he inform the House of any provisional measures which may have been taken to discharge the second instalment, due on the said loan. This motion was agreed to.

He next moved that a committee be appointed to prepare and report a bill providing for the second instalment, due on a loan made of the Bank of the United States. This motion was also agreed to, and a committee, consisting of Mr. SEDGWICK, Mr. W. SMITH, and Mr. CADWALADER, accordingly appointed.

MONDAY, March 3.

A petition of the merchants, manufacturers of iron, and ship-builders, in the city of Philadelphia and its vicinity, whose names are thereunto subscribed, was presented to the House and read, praying that so much of the impost laws of the

H. OF R.]

Amendment to the Constitution.

[MARCH, 1794.]

United States as imposes a duty on the importation of bar iron, may be repealed.

Ordered, That the said petition be referred to Mr. SAMUEL SMITH, Mr. FITZSIMONS, and Mr. SEDGWICK, that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. SEDGWICK, from the committee, presented a bill authorizing a loan of one million of dollars; which was twice read, and committed.

Ordered, That the report of the committee to whom was referred the Message from the PRESIDENT of the UNITED STATES, of the 7th day of January last, respecting the appointment of an officer for the receiving, safe-keeping, and distributing of public supplies, under the direction of the War Department, be committed to a Committee of the Whole House on Thursday next.

Mr. TRACY, from the committee appointed, presented a bill to establish the Post Office and Post Roads within the United States; which was twice read and committed.

The following Message was received from the PRESIDENT of the UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you an extract from a Letter of Mr. Short, relative to our affairs with Spain, and copies of two Letters from our Minister at Lisbon, with their enclosures, containing intelligence from Algiers; the whole of these communications are made in confidence, except the passage in Mr. Short's Letter which respects the Spanish convoy.

G. WASHINGTON.

UNITED STATES, March 3, 1794.

The said Message and papers were read, and ordered to lie on the table.

A Report was read from the Secretary of the Treasury, on sundry petitions which had been referred to him. The letter enclosing this report suggests to the House, whether it would not be expedient to place the business of reporting on petitions in some other channel, as the pressure of his official duties, in addition to the extra business of the inquiry into the Treasury Department, will not permit him to pay that seasonable and prompt attention to these petitions which the parties expect, and have just claim to.

Mr. SEDGWICK, from the committee appointed, presented a bill providing for the payment of the second instalment due on a loan made of the Bank of the United States; which was read twice and committed.

Ordered, That the resolution agreed to by this House on the second of January last, "for appropriating a sum of money, in addition to the provision heretofore made to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations," be committed to Mr. WILLIAM SMITH, Mr. AMES, and Mr. NEW, with instruction to prepare and bring in a bill or bills pursuant thereto.

Resolved, That the PRESIDENT of the UNITED STATES be requested to cause to be laid before this House a statement of the gross sum of money which has been advanced by the United States, in making

presents to the Creek and Cherokee Indians, since the treaty made at New York; also, all expenses incurred, and sums of money expended, in making the said treaty.

Ordered, That Mr. CARNES and Mr. MACON be a committee to wait on the PRESIDENT, with the foregoing resolution.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Message from the PRESIDENT of the UNITED STATES, of the 30th ultimo, enclosing a copy of a Letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as also, the petitions of Thomas Person and others, proprietors of lands in the Territory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina; and, after some time spent therein, the committee rose and reported progress.

TUESDAY, March 4.

The House resolved itself into a Committee of the Whole House on the bill authorizing a loan of one million of dollars; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report to the House an estimate of the expense that will be requisite to place the principal seaports and harbors of the United States in a state of defence; and after some time spent therein, the Committee rose, and reported progress.

AMENDMENT TO THE CONSTITUTION.

The House resolved itself into a Committee of the Whole House on the resolution sent from the Senate, "proposing an article of amendment to the Constitution of the United States, respecting the Judicial power;" and, after some time spent therein, the Chairman reported, that the Committee had had the said resolution under consideration, and made no amendment thereto.

A motion was then made, and seconded, to amend the said proposed article of amendment, at the Clerk's table, by adding to the end thereof, the words following, to wit: "Where such State shall have previously made provision in their own Courts, whereby such suit may be prosecuted to effect;" and, on the question thereupon, it passed in the negative—yeas 8, nays 77, as follows:

YEAS.—John Beatty, Elias Boudinot, Daniel Heister, William Hindman, Henry Latimer, Andrew Pickens, Thomas Scott, and Silas Talbot.

NAYS.—Fisher Ames, Theodoras Bailey, Abraham Baldwin, Thomas Blount, Shearjashub Bourne, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, Thomas Fitz-

MARCH, 1794.]

Estimate of Appropriations.

[H. OF R.]

mons, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, James Hillhouse, Samuel Holten, John Hunter, William Irvine, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenburg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Francis Preston, Robert Rutherford, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Samuel Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gausbeck, Abraham Venable, Peleg Wadsworth, Francis Walker, John Watts, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

The resolution of the Senate, containing the said proposed article of amendment, was then read the third time, as follows :

“Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, viz. :

“The Judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against any of the United States by citizens of another State, or by citizens or subjects of any foreign State.”

And on the question that this House doth concur with the Senate in the said proposed article of amendment to the Constitution of the United States, it was resolved in the affirmative—yeas 81, nays 9, as follows :

YEAS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, Carter B. Harrison, John Heath, Daniel Heister, James Hillhouse, Samuel Holten, John Hunter, William Irvine, Henry Laumer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Francis Preston, Robert Rutherford, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gausbeck, Abraham Venable, Peleg Wadsworth, Francis Walker, John Watts, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

NAYS.—John Beatty, Elias Boudinot, Thomas Fitzsimons, George Hancock, William Hindman, Andrew Pickens, Thomas Scott, Silas Talbot, and Artemas Ward.

ESTIMATE OF APPROPRIATIONS.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Chairman reported that the committee had again had the said report under consideration, and come to a resolution thereupon; which he delivered in at the clerk's table, where the same was twice read, and agreed to by the House, as follows :

Resolved, That, for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four, there be appropriated a sum of money, not exceeding one million four hundred and fifty seven thousand nine hundred and thirty-six dollars and one cent; that is to say :

For the pay of the Legion of the United States	-	-	-	\$808,684 00
For subsistence	-	-	-	312,587 75
For forage	-	-	-	81,632 00
For clothing	-	-	-	112,000 00
For equipments for the cavalry	-	-	-	7,314 05
For horses for the cavalry	-	-	-	16,000 00
For bounty	-	-	-	8,000 00
For the Hospital Department	-	-	-	20,000 00
For the Ordnance Department	-	-	-	6,715 32
For repairs and articles directed to be made and purchased by the PRESIDENT OF THE UNITED STATES	-	-	-	202,783 34
For defensive protection of the frontiers	-	-	-	180,000 00
For the Indian Department	-	-	-	50,000 00
For the Quartermaster's Department	-	-	-	150,000 00
For contingencies of the War Department	-	-	-	30,000 00
And for Invalid Pensions	-	-	-	80,239 55
				<u>\$1,457,936 01</u>

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. Boudinot, Mr. Trumbull, and Mr. Gillespie, do prepare and bring in the same.

WEDNESDAY, March 5.

An engrossed bill authorizing a loan of one million of dollars was read the third time.

Resolved, That the said bill do pass, and that the title be, “An act authorizing a loan of one million of dollars.”

A petition of the manufacturers of hats, in the towns of Falmouth, and Falmouth in the State of Virginia, whose names are thereunto subscribed, was presented to the House and read, praying that an additional duty may be imposed upon the importation of hats from foreign coun-

H. or R.]

Fortifications.

[MARCH, 1794.]

tries; and that such duties may be laid on the exportation of beaver and other furs from the United States, as shall be sufficient to encourage and protect domestic manufactures. Also, the several petitions of the manufacturers of hats in the States of New York, Pennsylvania, and Delaware, to the same effect.

Ordered, That the said petitions be referred to Mr. WATTS, Mr. COIT, Mr. HINDMAN, Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. DEARBORN, from the committee appointed to report on the expediency of establishing a light-house on the island of Sequin, at the mouth of the river Kennebeck, in the District of Maine, made a report; which was read: Whereupon,

Resolved, That it is expedient for the United States to establish a light-house on the island of Sequin, near the entrance of the river Kennebeck, in the District of Maine.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. DEARBORN, Mr. BENJAMIN BOURNE, and Mr. TRACY, do prepare and bring in the same.

Mr. FITZSIMONS, from the committee appointed, presented a bill to provide a naval armament; which was read twice and committed.

FORTIFICATIONS.

The House went into a Committee of the Whole on the report relative to placing the ports and harbors of the United States in a posture of defence—Mr. BOUDINOT in the Chair.

The report was read. It states that the following ports and harbors ought to be put in a state of defence, to wit: Portland, in Maine; Portsmouth, in New Hampshire; Cape Ann, Salem, Marblehead, Boston, in Massachusetts; Newport, Rhode Island, New London, Connecticut; New York; Philadelphia; Baltimore; Norfolk; Wilmington, North Carolina; Ocracoke Inlet, Charleston, South Carolina; Savannah, Georgia. The fortifications to be of a nature to defend the several ports and harbors against surprise by naval armaments; that the several places to be fortified be garrisoned by troops in the pay of the United States.

From the estimates it appears that the sums necessary to erect the fortifications amount to	\$76,053 25
That two hundred cannon will be necessary, which, with their carriages, &c., amount to	96,645 00
	<hr/> \$172,698 25

The annual expenses of the troops necessary to garrison the several fortifications, including pay, subsistence, &c., \$90,349 25.

The committee state that, in their opinion, the security of the United States renders it necessary to provide the cannon, whether the fortifications should be erected or not. The report goes on to

state the expense which would probably be incurred at the several places mentioned; the aggregate of which is as above stated.

Mr. FITZSIMONS, who was on the select committee, observed that it must appear to the Committee of the Whole, that the report was substantially a recommendatory measure, the carrying of which into execution must eventually depend on various circumstances; all that Congress can do, he added, was to vote a sum of money; and leave the execution of the plan to the discretion of the PRESIDENT OF THE UNITED STATES, to be completed in such manner as he may find expedient. The Committee went through the report; some alterations were made by increasing the number of places to be fortified, and diminishing the number of cannon in others, so that the aggregate of the expense remains the same.

Mr. FITZSIMONS then moved sundry resolutions for carrying the report into effect; these were severally put and agreed to; as follows:

"Resolved, That the President of the United States be authorized to cause such of the ports and harbors of the United States to be put into a state of defence, as he may judge necessary, and that a sum, not exceeding — dollars, be provided for that purpose.

"Resolved, That provision ought to be made for procuring one hundred cannon of thirty-six pounders, and one hundred of twenty-four pounders, with carriages and implements for the same.

"That carriages and implements for one hundred and fifty cannon, with five hundred and sixty tons of cannon shot, ought to be procured, and that a sum not exceeding — be provided for the purpose aforesaid.

"Resolved, That the President of the United States be authorized to employ such part of the troops, on the Military Establishment of the United States, as he may judge necessary, in any of the fortifications which may be erected for the defence of any of the ports or harbors of the United States."

The Committee then rose, and the Chairman reported the amendments and resolutions to the House.

The amendments were to insert Penobscot, Machias, Newburyport, Annapolis, and Georgetown, South Carolina, as places to be fortified; the several amendments and resolutions were adopted by the House. And it was

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. FITZSIMONS, Mr. GOODHUE, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MALBONE, Mr. BOUDINOT, Mr. PARKER, Mr. MACON, Mr. WINK, Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. BALDWIN, Mr. ISRAEL SMITH, Mr. LATIMER, and Mr. DAYTON, do prepare and bring in the same.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The Secretary of State having reported to me upon the several complaints which have been lodged in his

MARCH, 1794.]

Proceedings.

[H. or R.]

office against the vexations and spoliations on our commerce since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

G. WASHINGTON.

UNITED STATES, March 5, 1794.

The said Message and papers were read, and ordered to be referred to Mr. SAMUEL SMITH, Mr. NICHOLAS, Mr. SEDGWICK, Mr. BENJAMIN BOURNE, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. FITZSIMONS, from the committee to whom was referred so much of the Speech of the PRESIDENT OF THE UNITED STATES as respects arms and military stores, magazines and arsenals, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Friday next.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill making further provision for the expenses attending the intercourse of the United States with foreign nations; which was read twice and committed.

Mr. SWIFT, from the committee to whom was referred the petition of Josiah Witter, made a report; which was read: Whereupon,

Resolved, That the Secretary of War be directed to make a report of the cases of all claimants to be placed on the pension list of the United States, who have obtained certificates from the Circuit Courts, signed as Commissioners, or from the District Judge of the Court of Maine, for the purpose that Congress may place on the pension list those claimants whose cases come clearly within the description of law.

Mr. HILLHOUSE, from the committee appointed, presented a bill to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army; which was read twice and committed.

THURSDAY, March 6.

A petition of John Jordan and Thomas Knight, of the city of Philadelphia, was presented to the House and read, praying that they may receive the proportion of prize money due to them as marines on board the Continental ship Bon Homme Richard, under the command of Captain John Paul Jones, during the late war.

Ordered, That the said petition be referred to the Secretary of War, with instructions to examine the same, and report his opinion thereupon to the House.

A memorial of sundry merchants of the town of Baltimore, in the State of Maryland, whose names are thereunto subscribed was presented to the House and read, praying that a Naval force may be provided adequate to the protection of the commerce of the United States against the Algerine corsairs.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the bill to provide a Naval armament.

A petition of Bradley and Mix, of New Haven,

in the State of Connecticut, was presented to the House and read, praying that an additional duty may be laid on the importation of metal buttons from foreign countries, or such encouragement given to the manufacture of the said article within the United States as to the wisdom of Congress shall seem meet.

Ordered, That the said petition be referred to Mr. WATTS, Mr. COIT, Mr. HINDMAN, Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BOUDINOT, from the committee appointed, presented a bill making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four; which was read twice and committed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to Invalid Pensions, to the Attorney of the said District; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill providing for destroying certificates of certain descriptions, and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. SAMUEL SMITH, from the committee appointed, presented a bill allowing Lieutenant Colonel Tousard an equivalent for his pension for life; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill making further provision for the expenses attending the intercourse of the United States with foreign nations; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which he delivered in at the Clerk's table.

Ordered, That the said bill, with the amendment, do lie on the table.

Mr. WATTS, from the committee to whom was referred the petition of Stephen Pararque, made a report; which was read: Whereupon,

Resolved, That the said Stephen Pararque be permitted to unlade his cargo in the port of New York, on giving bond and security for the duties thereof to the Collector of the said port of New York, on the usual credit of six, nine, and twelve months, to be computed from the time of unloading.

Ordered, That a bill be brought in, pursuant to the said resolution, and that Mr. WATTS, Mr. HEATH, and Mr. CARNES, do prepare and bring in the same.

The House again resolved itself into a Committee of the Whole House on the report of the

H. of R.]

Slave Trade—Naval Armament.

[MARCH, 1794.]

committee appointed to prepare and report such Standing Rules and Orders of proceeding as may be proper to be observed in this House; and, after some time spent therein, the Committee rose and reported progress.

SLAVE TRADE.

The House went into Committee of the Whole on the bill to prohibit the carrying on the slave trade from the ports of the United States—Mr. BOURNOR in the Chair.

The two first sections of the bill were agreed to, with one alteration moved by Mr. TRUMBULL, which was to give the District Court as well as the Circuit Courts cognizance of the offence.

The third section, which relates to the penalty, &c., it was moved should be struck out. This motion was negatived. It was then moved to insert the word *foreign* before "ship or vessel," which was agreed to.

The Committee proceeded through the bill, which was reported to the House with sundry amendments; these were agreed to by the House, and the bill ordered to be engrossed for a third reading.

FRIDAY, March 7.

An engrossed bill to prohibit the carrying on the slave trade from the United States to any foreign place or country, was read the third time, and passed.

An engrossed bill providing for destroyed certificates of certain descriptions, was read the third time, and passed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act making appropriations for the support of Government for the year 1794," with several amendments; to which they desire the concurrence of this House.

A message from the Senate informed the House, that the Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session, that the proceedings may be so regulated as to close this session by the first Monday in April next.

NAVAL ARMAMENT.

The House then went into Committee of the Whole, on the bill to provide a Naval armament—Mr. BOURNOR in the Chair.

In the first section Mr. S. SMITH moved to strike out 20 guns, and to insert 36; which makes the force proposed, four ships of 44 guns, and two of 36 guns each. The Committee proceeded through the several sections of the bill, and made sundry amendments in respect to officers, rations, &c.

Mr. B. BOURNE observed, that the force contemplated would afford no protection to the com-

merce of the United States, for the present season, as it would require several months to build and equip the ships. He therefore moved to add another section, the object of which was to authorize the PRESIDENT of the UNITED STATES to provide a temporary protection, until the ships proposed by the bill shall be ready.

Mr. FITZSIMONS said, the bill did not restrict the PRESIDENT to ships to be built; he may use his discretion in procuring the requisite force.

The motion, after some debate, was negatived.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

MONDAY, March 10.

The memorials of sundry merchants, mariners, tradesmen, and other citizens of the county of Norfolk, and the towns of Norfolk and Portsmouth, in the State of Virginia, whose names are thereunto subscribed, were presented to the House and read, respectively praying that a law may pass imposing further restrictions and higher duties on the importation of articles of the growth or manufacture of such foreign Kingdoms or countries as have not entered into a Commercial Treaty with the United States.

Ordered, That the said memorials be referred to the Committee of the Whole House, on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying a statement of the gross sum of money which was expended in the year 1790, in making the Treaty with the Creek Indians at New York; and, also, of the amount of presents made to the Creek and Cherokee Nations, since the said Treaty, pursuant to the resolution of this House of the 3d instant; which were read, and ordered to lie on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year 1794;" and the same being read, were agreed to.

Mr. FITZSIMONS, from the committee appointed, presented a bill to provide for the defence of certain ports and harbors in the United States; which was read twice, and committed.

The House proceeded to consider the resolution of the Senate of the 7th instant, for the appointment of a Joint Committee of the two Houses to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session, that the proceedings may be so regulated as to close this session by the first Monday in April next. Whereupon,

Resolved, That this House doth agree to the said resolution, and that Mr. MADISON, Mr. MURRAY, and Mr. KITTERA, be appointed a committee on the part of this House.

MARCH, 1794.]

National Defence—Naval Armament.

[H. OF R.]

NATIONAL DEFENCE.

Mr. SEDGWICK this day gave notice, that on Wednesday next he should submit to the consideration of the Legislature certain resolutions, the object of which would be the means of defence required by our present situation, and the funds which might be required to defray the expense. This notice was introduced by Mr. S. with the following previous observations:

He said he had heretofore done himself the honor to declare to the House, that, in his opinion, it was the duty of the Legislature, as the guardians of the public safety, at a time when Europe was convulsed, and this country suffering many injuries, to provide for its defence, and, as events might happen, to avenge its injuries. That the preservation of peace, an object so necessary to our political and individual happiness, might materially depend on the wisdom and firmness of the Legislature in this respect. That he had hoped and expected some plan for these important purposes would, before this time, have been presented to Congress; that, in his opinion, it would be unpardonable to leave our country in this naked and exposed situation, during the approaching recess; that it ought no longer to remain uncertain whether the property and best interests of our citizens were to remain in a situation to be insulted and injured with impunity. He said he should forbear to give even the outlines of the system which his own mind had embraced, because he should always be willing to prefer any other more competent to the end. His only object at present was, to call the reflections of gentlemen to this important subject.

NAVAL ARMAMENT.

The engrossed bill providing a naval armament for the protection of the commerce of the United States, was read a third time. A motion was made to recommit it to a Committee of the Whole House. This motion was principally supported on the ground of the Select Committee having deviated from the report of the Committee of the Whole; which report connected the ways and means of defraying the expense of the armament with the details of the armament, whereas the bill contains no such estimate. It was further observed, that no injury could result from a short delay, equal to what would be the consequence of sanctioning such a flagrant deviation on the part of the Select Committee from the established rules of the House: that it was quite a new thing to hurry a business of such magnitude through the House.

The motion to recommit the bill was negatived.

In opposition to the motion, it was ironically observed, that as the carrying trade and the trade to the Mediterranean were of so trifling importance, it was really surprising that the business of providing a protection for the commerce of this country, exposed at this moment to the depredation of the Algerines, should be hurried with so much impetuosity through the House! Three months have already elapsed, the greater part of which this subject has been under consideration; to steer clear, therefore, of impetuosity in con-

ducting the business, three months more ought to be suffered to pass before anything is done.

With respect to the conduct of the Select Committee, it was said that, in the first discussion of the subject, the report was objected to on account of the ways and means being connected with it; to remove this objection, the bill was reported in the form before the House.

The motion being put for recommitting, it passed in the negative, 48 to 41.

The House then proceeded to fill up the blanks. In the course of filling up the blanks, the opposition to the bill was revived on old and new grounds. The first were on account of its incompetency to the object, considering the resources of the Algerines and the superior policy of having recourse to negotiation, and purchase of a peace; the new ground was derived from recent confidential communications, from which it was inferred, that the eligibility of the mode of procuring a peace by purchase was greatly strengthened. From this view of the subject a transition was made to the subject of navies generally, in which the bad consequences connected with their establishment were depicted in animated terms.

The blanks were all filled; and on the question Shall the bill pass?

Mr. GILES observed, that, from the sense of the House several times manifested upon this subject, there remained no doubt but that the bill would pass. In that event, he most earnestly hoped that the success of the measure would, at least, equal the expectations of its advocates. Indeed, he hoped that their expectations would be disappointed and exceeded; for it did not seem to him that even they were very positive as to its full competency to the end proposed. He even wished that every ship could be furnished with the cap of Fortunatus and the shield of Hercules; for he was persuaded that, in the present state of things, some magical influence would be found essential to enable them to effect their undertaking. He observed, that, at present, the wisdom or folly of the proposed measure was mere matter of opinion; but the passage of the bill will furnish futurity with a complete experiment of its true character.

He intended to offer his reasons against the passage of the bill, not with a hope of making proselytes, but as a testimony of the real motives which influenced his opposition. With this view, he should only mention some of the general impressions produced on his mind by this subject, without fatiguing the House with minute exemplifications of them.

The subject had presented itself to him in two points of view—1st, as affording a protection to our commerce against the Algerine depredations; 2d, as the foundation of a permanent naval establishment.

He could not help premising that, in the course of discussion, the advocates of the bill had censured its opponents with a want of disposition for the protection of commerce, whilst they claimed a monopoly of all good intention towards this object. He did not mean to derogate from the good

intention of the favorers of the bill, but he believed its opponents possessed as pure a zeal for the protection and due encouragement of commerce as its advocates. It is not a question whether commerce is, or is not, to be protected; but whether the plan proposed be the most effectual and the least exceptionable that can be devised for that purpose? The difference of opinion does not consist in the end to be produced, but in the means proposed to effect the end.

The first objection he should make to the bill would be, the obvious inadequacy of the means contemplated to effect the end proposed by them. The object proposed is an effectual resistance, not only to the whole present naval force of Algiers, but to their whole naval ability. The bill contains, in itself, essentially a declaration of war. Our calculations, therefore, should be extended to the utmost limit of the naval ability of the hostile nation. The means to be employed consist of four frigates of forty-four guns each and two ships of thirty-six guns each. To decide with propriety upon the objection, this force should be compared with the naval ability of Algiers. He did not mean to go into a minute history of Algiers. He should only observe, in general, that it was a populous country; that it had furnished at one time one hundred thousand fighting men; that its power at this day was as great as at any preceding period; that they were a warlike people, accustomed to naval enterprises and desperate in naval engagements; that, for some time past, they had been subsidized for peace by almost every European nation. He could not help concluding, from these circumstances, that the naval ability of the nation either was or might, without any uncommon exertions, be rendered superior to four forty-gun frigates and two thirty-six gun ships, the force contemplated by the bill, and, if the conclusions were just, the bill is unwise.

In the course of the debate, it has been replied to the argument of the ability of the nation, deduced from the number of men it has brought into the field, that the naval armament was not intended to attack the invincible militia of Algiers. This is true, but it is no refutation of the argument. The fact exhibits the ability of the nation upon land, and the inference from it has been, that, if Algiers can exert such an ability upon land, by changing the direction of her ability, she would certainly furnish a force at sea greatly superior to the armament proposed. The history of her former naval exertions would also justify this conclusion. Providing this armament would naturally turn the attention of Algiers to the increase of her naval strength; and he doubted the policy of measures which would produce that effect, without the United States were determined to enter into a competition for naval power with the nations of Europe. Naval exertions have been carried to such excess that there is scarcely any thing which furnishes more scope for comparison. Several nations, possessing a much greater naval strength than is contemplated by this bill, he believed, were at war with Algiers at this moment, yet her corsairs swim in the ocean,

regardless of their enemy, and hardly recollecting that they are in a state of war. He thought it unsafe to calculate upon any peculiar invincibility in the armament now proposed, and, without such a quality, although he hoped their efficacy, yet he feared their inefficacy.

He should fear the result, if the contest, in other respects, were to be upon equal terms. But that will not be the case. The armament will meet with peculiar embarrassment from the expected scene of action. They are to act three thousand miles from home, without the guarantee or even the prospect of a friendly port; they are to continue the whole year upon their station, and to be subject to attack whenever the enemy may think proper; they will also be continually exposed to a tempestuous ocean. Under these circumstances they must act upon the most disadvantageous terms, which will lessen extremely their prospect of success. The advocates of the bill have admitted the necessity of finding some friendly ports in the Mediterranean seas, and several have been mentioned—Cartagena, Gibraltar, &c.—but their hopes appeared to him to be wholly chimerical.

He did not know how far it might be proper to have reference to confidential communications to present this part of the subject in its true light. He thought, however, he might be permitted to mention, in general, that it has been officially communicated to the House that the truce with Algiers, which has produced the injury to our commerce, against which the present remedy is directed, is part of the system of the combination against France. The mildest apology from Great Britain for her interposition has been to enable Portugal to act more efficaciously in the common cause of despots. Other effects, equally important to that end, will result, and no doubt were taken into the estimate. They all may resolve themselves into the embarrassments produced to our commerce. This information cannot be questioned. If, then, the Algerine truce be part of the system of the combination against France, is it probable that the Combined Powers will afford their ports for the protection of an armament intended to interrupt and destroy that part of the system? May it not rather be inferred that they will send their aid to their allies, the Algerines, to destroy the force sent against them? Have we hopes against this natural and obvious consequence from the good dispositions of the Combined Powers towards us? Have we any hopes from their inability to effect the object? For his part, he thought it was in vain to hope for a contrary result. From these reflections, occurs another obvious objection to the measure—its direct tendency to war. Upon another occasion, it has been said, that Great Britain particularly is irritable towards us, and all measures ought to be avoided which might tend to increase the irritability. It really has become a question for this House, for all America, to determine, and particularly the lovers of peace, whether a naval armament calculated to resist part of the system of the combination against France, and destined to act in the very scene of war, or imposing high-

MARCH, 1794.]

Naval Armament.

[H. OF R.]

er duties upon some articles of imports, and making an act for the regulation of our own navigation, possess the greatest tendency to war?

For his part, if the proposed armament should be provided, he had but one consolation against this palpable effect of it. But that consolation furnished the strongest argument against the measure. The trees are now growing out of which the frigates are to be built. A considerable time must, of course, elapse before these trees can be put into the shape of frigates. From the present agitation and fluctuation of European affairs, great changes before that time may be effected, and the necessary delay in equipping the armament will be the only chance of avoiding a war by means of the measures. If the frigates were now afloat, and engaged in the expedition against Algiers, he should view the United States in a state of actual hostility against the whole combined Powers. But the necessary delay, which may furnish the only security against war, as a result of the measure, proves the folly of an expensive armament, which, before it can be provided, the fluctuation of European affairs may render wholly unnecessary.

Another objection to the measure consists of the certainty and enormity of the expense, with a total uncertainty of its efficacy; whereas, the plan of purchasing a peace regards economy, if its efficacy should be doubted. In this case, if the object be not effected, the money will not be expended. It is but a bad character of a measure, to say it is neither certain in its object, nor economical in its arrangement; yet these are the most striking traits in the present bill. When this measure was first brought into view, it was thought necessary that an estimate should accompany it. This estimate, he knew not for what reason, was kept out of view. It was, nevertheless, an estimate, and must again make its appearance in the House. He expected, too, that it would appear in a more formidable shape than when it was first introduced. The pay of the seamen, the most important item in the estimate, had varied its shape materially. It is now calculated at double the estimate first made, and he apprehended that the same fate would attend other parts of the estimate. He admitted that the sum mentioned in the bill did not positively fix the wages of the seamen, but was intended as a limit to the PRESIDENT'S discretion. He was inclined to think, however, from the nature of the service, that the whole sum would be found necessary; for all the other perquisites which the seamen will expect must consist of toil and danger.

He observed, that the intelligence lately received, in his opinion, served to confirm all those objections, although he supposed it had affected the minds of other gentlemen very differently; because he had observed more votes in favor of the bill since the receipt of the intelligence than before that period. The intelligence being communicated in confidence, he supposed it would be improper to particularize those parts of it which affected his opinion. He should, therefore, only remark, in general, that the intelligence had led his mind to these two conclusions:

1st. That the force to be provided is absolutely inadequate to the object.

2d. That, by proper management, a due attention to time and opportunity, a peace may be effected by money.

In either case, the naval armament would be rendered unnecessary, and the expense ought not to be incurred.

Mr. G. proceeded to consider the bill as the foundation of a permanent naval establishment. He said there was a clause in the bill authorizing the PRESIDENT to suspend all proceedings in the equipment of the armament, in case of a peace with Algiers, which gave him some consolation; but it did not altogether relieve his apprehensions from this operation of the measure, because he knew that a permanent naval establishment was a favorite policy with some gentlemen, and because the argument had been urged in favor of the present bill.

He observed that a permanent naval establishment could be recommended to the United States but from one or both of the following considerations: Either upon the principle of entering into a competition for naval power with the Powers of Europe; or as affording security to the collection of our own revenue.

He thought the question of a permanent naval establishment was one of the most important which could be presented to the consideration of the House, and that the most serious consequences were necessarily connected with it. In the first place, he viewed the establishment of a navy as a complete dereliction of the policy of discharging the principal of the public debt. History does not afford an instance of a nation which continued to increase their navy and decreased their debt at the same time. It is an operation exceeding the ability of any nation. The naval competition of the Powers in Europe has produced oppression to their subjects and ruin to themselves. The ruin of the French Monarchy, he believed, might be ascribed very much to that cause. A navy is the most expensive of all means of defence, and the tyranny of Governments consists in the expensiveness of their machinery. The expensiveness of the French Monarchy is the true cause of its destruction. The navy of France furnished the principal item of that expense. The navy produced expense, the expense exceeded the revenue, new contributions became necessary, the people saw the tyranny, and destroyed the tyrant. The same effect, by the same policy, will probably be produced in great Great Britain. The Government is not yet destroyed, but the people are oppressed, liberty is banished. The extensiveness of the Government is the true ground of the oppression of the people. The King, the Nobility, the Priesthood, the Army, and, above all, the Navy.

All this machinery lessens the number of the productive and increases the number of unproductive hands of the nation in Great Britain. The operation has been extended so far that the poor rates alone probably afforded a greater tax per *capita* than the whole taxes paid in the United

States. He was astonished, with these fatal examples before our eyes, that there should be any gentlemen who would wish to enter into this fashionable system of politics. He said the United States had already progressed full far enough into this system; for, exclusively of the ordinary expense of the Civil List, a debt had been funded upon principles of duration. An Army had been raised, at an immense expense, and now there was a proposition for a Navy. He observed that, for several years past, the appropriations for the support of the Military Establishment had exceeded a million of dollars per annum—from one million to one million and a half annually. He believed that, if the expense had been foreseen, there would have been more active efforts to have avoided it. It was a policy, at this day, very generally condemned; yet we are now to exhibit a counterpart of this policy upon the ocean, with this aggravation: that it will commence with greater certain expense, and with a more uncertain object. The system of governing by debts he conceived the most refined system of tyranny. It seems to have been a contrivance devised by politicians to succeed the old system of feudal tenures. Both systems were tyrannical, but the objects of their tyranny were different. The system of feuds operated upon the person of the individual—the system of debts operates upon the pockets of the individual. In the feudal system, the tenant often received some indulgence and lenity from the martial generosity which generally characterized the Lord. The Lord was gratified with the acknowledgment of the tenant that he was a slave, and the rendition of a pepper-corn as an evidence of it. The product of the tenant's labor was left for his own support. The system of debts affords no such indulgences. Its true policy is to devise objects of expense, and to draw the greatest possible sum from the people in the least visible mode. It boasts not of economising in calls upon the people for contributions. It boasts not of economizing in the objects of expenditure. It consults the obedience, and not the happiness of the people. There is no device which facilitates the system of expense and debts so much as a Navy. And he declared, from that consideration, he should value his liberty at a lower price than he now did, if the policy of a permanent Naval Establishment should obtain in the United States.

He saw another strong objection to the establishment of a Navy. He deemed it a hostage to its full value for our good behaviour to the great naval Powers, until it should be able to contend with them for the ocean. It will increase rather than lessen our dependence upon them.

With respect to the other considerations, their utility in affording an additional security for the collection of the revenue, he should make but one observation. When revenue is laid, the expense of the machinery employed in the collection is the primary consideration. These vessels may, therefore, be considered as *aquatic sheriffs*, but of the most expensive order. They will be an additional cost of at least twenty per centum upon the whole revenue collected. The expense in-

curring, therefore, will exceed the security afforded, and of course ought not to be incurred.

Upon the whole, if these considerations were not sufficient to induce the House to negative the bill, he conceived the impressions produced upon his own mind by them would furnish a justification for his opposition. He said, if the bill should pass, he should, however, find a consolation in a consciousness of his own fallibility, and a respect for the opinions of the majority who advocated it; but, impressed as he was with the subject, he felt it a duty, as far as he could, to give a veto to the measure.

Mr. W. SMITH remarked, that though it was not probable any proselytes were to be expected at this late period of the business, and after so ample a discussion as the question had received in its different stages, yet he considered it necessary to make a reply to some of the various objections which had just been made to the passing of the bill. Many of those objections appeared to him totally inapplicable to the subject, which he should pass over in silence. If it were the design of the House to incur a vast expense in the establishment of a Navy, merely for the idle purposes of vain parade, there would be force in some of the objections; but, as this was not the case, and as the measure was a measure not of choice, but of necessity, extorted by the pressure of unavoidable events, he did not feel their force in any respect. The question was, simply whether our commerce required protection against the Algerine corsairs, and whether this was the best mode of protection. The first part of the question was admitted on all sides. For himself, he had always considered the second equally clear. But in the course of the discussion, various difficulties had been started against the mode of protection, and various substitutes had been proposed, as offering a remedy more prompt, more effectual, and less expensive. He would first consider the proposed substitutes for a naval armament, and then answer the objections to it. The substitutes were: 1st. To purchase a peace of the Algerines. 2d. To depend on Portugal breaking her truce with Algiers, and shutting up their cruisers within the Straits. 3d. To pass commercial regulations against Great Britain. 4th. To subsidize other nations to protect our commerce.

To these several substitutes, he might, in a few words, object that the first was impracticable, the second precarious, the third inoperative, and the fourth dishonorable. But he would, more in detail, evince their futility by a few observations:

1st. With respect to the purchase of a peace. The late communications must satisfy every one who had attended to them, that all hope on that score must be abandoned, unless there was a manifestation of some force on the part of this country, which might give effect to pacific negotiations. As long as our vessels were so easy and so tempting a prey to the cupidity of those rovers, it would be vain to expect that they would sell a peace for any thing like the price which the Government would be willing to give, or that a peace, even if effected, would be of any duration. If the

MARCH, 1794.]

Naval Armament.

[H. OF R.]

Executive formerly experienced such difficulties when the Algerines had captured only one or two of our vessels, and their cruisers were confined to the Mediterranean by the Portuguese squadron, how much less prospect was there of success after they had captured a considerable number of our ships, were likely to capture many more, and were at liberty to cruise in the Atlantic, even to our very coasts? And that little prospect of success would be diminished, when the Dey of Algiers should understand that we took no measures to protect our trade, and were afraid of the expense of a small armament. Even should a peace be purchased, the temptation to break it would be so great, that we ought not to expect it would be long observed. But if the Dey knew that we had some naval strength, and were resolved to protect our trade, he would find his account not only in making peace with us, but in maintaining it.

2d. To rely on the chance of Portugal breaking her truce, was putting our commerce and the liberty of our seamen on a very precarious footing indeed. It was impossible to say how long Portugal might continue at peace with Algiers; and it had been remarked, that the truce had been accomplished by the intervention of the British and Spanish Courts, without the knowledge or assent of Portugal; but Mr. S. was persuaded the latter part of this allegation was without foundation. Portugal must have consented to it, and it was therefore probable she would maintain peace with Algiers as long as the policy of the British Court, with whom she was clearly connected, should dictate.

3d. It was proposed to put a stop to the depredations of the Algerines by certain commercial restrictions aimed at Great Britain. Admitting, for a moment, the ultimate efficacy of these restrictions, which, like a panacea, were to cure all our ills, the remedy must be very remote. These regulations could not pass into a law till the close of the session, allowing a moderate time for their discussion in both Houses. A distant period must then be assigned for their operation, in order not to create too sudden and violent a disturbance to the course of trade, and to allow a reasonable time to merchants to make their arrangements. A certain time must, then, elapse before their effect would be felt by Great Britain, and a still further time before it could be felt, by a kind of re-action, by Algiers. In the interim, the Algerines would seize our vessels, and carry hundreds of our fellow-citizens into captivity.

4th. The last substitute was, to subsidize other nations. Besides the national dishonor of depending upon others for that protection which was in our own power, Mr. S. said there were several objections to this project. Either the nations in contemplation were at Peace with the Regency of Algiers, or they were not: if the former, it was not to be expected that they would relinquish that peace for any indemnification the United States could make them. If they were at war, they had sufficient inducement to check the depredations of their enemies without our subsidies. In addition to these objections, such a protection

would be hazardous, as it would be at any time in the power of the nation we should employ, when engaged thereto by any Power envious of our prosperity, to conclude a truce with Algiers, and leave us at the mercy of her corsairs.

Having a navy of our own we might co-operate to advantage with any of the Powers at present at war with the Algerines, but it would be risking too much to depend altogether on any of them.

Mr. S. next reviewed the principal objections to the bill. These were, he said, 1st. That the force contemplated was incompetent. 2d. That sending an armed force on the ocean would be the means of involving us in a war with some of the maritime Powers. 3d. That we had no friendly ports in Europe, which our frigates could resort to for supplies or refitment. 4th. That the expense would exceed the object to be protected. 5th. That our trade would be deprived of the seamen required to man the frigates. 6th. That it was now so late in the season we could not protect our vessels the ensuing Summer, and that some favorable events might occur before the frigates could be equipped, which would render them unnecessary. 7th. That this was the beginning of a Naval Establishment, which would hereafter involve this country in immense debts and maritime wars.

1st. To the first objection, Mr. S. replied that he was surprised those gentlemen who deemed the number of frigates inadequate to the object, had never proposed to increase the quantum of force; though this objection had been re-echoed by several gentlemen, none of them had thought proper to move an augmentation of the strength. The only motion of that nature had proceeded from a quarter which had been always friendly to the measure. From the documents on the table, and from the diligent inquiries of a large committee, the force contemplated by the bill did, however, appear inadequate. The number and strength of the Algerine corsairs had been pretty nearly ascertained; it had been stated, from good authority, that these vessels were slight, and that they did not cruise in fleets, but scattered, for the purpose of plunder. It also appeared that a smaller force than ours had been successfully employed by Portugal in blocking up the Straits.

2d. The second objection arose from the danger of being involved in a war. It had been said that some of the maritime Powers, whose interest it was that our commerce should suffer from these piratical depredations, would see with displeasure our armed vessels on the ocean, and would insult them; and that our officers would resent such insults, and thus draw us into a war. If there were any nation so anxious to go to war with us, as this objection supposes, they would be at no loss for pretexts without this. If, while we were exercising so just, lawful, and necessary a right as that of using the only means in our power of protecting our commerce from ruin, and our fellow-citizens from a most dreadful captivity, any nation should wickedly and wantonly interfere, and molest our frigates, it would show such a disposition to quarrel with us, and be such an act of hostility,

as would justify war on our part. Whatever nation it might be, he should view such an aggression as the effect of a predetermined hostility, and should not hesitate a moment to consider them as much our enemies as the Algerines themselves. But this armament would furnish so little pretence for any danger of this kind, that he viewed all such terrors as chimerical. Indeed, it was somewhat strange, that these apprehensions should have been suggested by gentlemen who considered commercial restrictions particularly directed at Great Britain as of a most pacific tendency. If irritating measures, pointedly directed at Great Britain, were not likely to excite a hostile spirit in her, much less was it to be expected that measures of unavoidable necessity against the Algerine pirates, would excite that spirit.

3d. It had been clearly shown that there were many convenient friendly ports to which our vessels of war should have access. Spain, Portugal, and France, have been mentioned. It was not probable we should be at war with all those Powers at the same time. Being at peace with them all, we had a right to expect a friendly admission into their ports. A state of war would undoubtedly present many difficulties, but even in that event, the proposed measure did not appear less indispensable.

4th. The expense had been strongly urged as a weighty objection. Mr. S. observed, that the saving in insurance, the value of our ships and cargoes, the ransom of our captive seamen, was more than an offset against this item. But was not the slavery of our fellow-citizens, the national disgrace resulting from it, to be taken into the account? These were, in his mind, considerations beyond all calculation. Who could, after reading the affecting narratives of Captain Penrose and the other unfortunates, sit down contented with cold calculations and dry syllogisms? These narratives ought to excite every possible exertion, not only to procure the release of the captured, but to prevent an increase of the number of these unhappy victims. This could only be effected by the proposed measure; it was the only practicable mode of obtaining a peace, which would insure the release of the captives, and of preventing the capture of others. Were the expense, therefore, double the sum proposed, he, for one, would not hesitate to vote for it.

5th. It had been alleged that depriving our merchant vessels of the seamen requisite to man the frigates, would be a serious injury to our trade. No further answer was necessary to this objection, than barely to remark, that the injury was not to be put in competition with the loss of seamen by slavery in Algiers, or by desertion from merchant ships, so unprotected and exposed.

6th. The lateness of the season had furnished another objection. Mr. S. asked whose fault it was, that this measure had not been adopted sooner? The members whose opinions coincided with his, and himself had urged the necessity of it near three months ago, but the persevering opposition it had encountered, and the intervention and discussion of the commercial regulations had pro-

tracted it to the present period. Late as it is, however, it is still necessary, and the best expedient which has been suggested. The very circumstance of preparation for naval defence, would facilitate our negotiation for peace, and would encourage our seamen to remain in our service. He wished it always to be understood, that he did not rely solely on the efficacy of this armament. He still looked forward to a negotiation, and was ready to provide the most ample means for that purpose; but he was at the same time satisfied that the first measure must accompany the latter, as the one would be nugatory without the other.

7th. The dangers resulting from a large Navy Establishment, and the immense debts they have created in other countries, had been depicted, and the House had been warned against such evils. How a bill providing six frigates, which were to exist only during the war with Algiers, could excite an apprehension of a large and permanent navy, and an enormous debt, Mr. S. said he was at a loss to discover. The clause which authorized the PRESIDENT, in the event of a peace with the Regency of Algiers, to discontinue the armament, was a complete answer to all the reasoning which had been indulged on the subject of navies and debts. Admitting there had been no such clause, he did not feel the weight or applicability of the reasoning.

This country is peculiarly fitted for a navy: abounding in all kinds of naval resources, we have within ourselves those means which other maritime nations were obliged to obtain from abroad. The nature of our situation, and the navigating disposition of a considerable proportion of our citizens, evince still more the propriety of some Naval Establishment. Perhaps the country is not yet mature for such an establishment, to any great extent; but he believed the period was not far distant, when it would. Sweden, with a population not greater than that of the United States, and with more slender resources, maintained a large navy. He saw no reason why the United States, with an increasing population, much individual wealth, and considerable national resources, might not, without ruin, do as much, or why the equipment of a squadron, inferior to that of any of the petty nations of Italy, should involve us in an insupportable expense.

Having replied to the principal objections against the bill, Mr. S. said, though he did not suppose that any arguments of that day would change a single vote, yet, as a formal and lengthy opposition had been made, he wished to show that he did not rely upon a majority, and that he would never give his assent to a measure which did not, in his opinion, rest on the basis of good policy and propriety. He viewed this measure as resting on that basis; he trusted it would produce the good effects which its friends anticipated, and that, as he was confident it would be supported by a majority of that House, he had little doubt that it would be sanctioned by the approbation of their constituents; but that, even were he persuaded it would be attended with some of the mischiefs which its opponents had predicted, he should still

MARCH, 1794.]

Naval Armament.

[H. OF R.]

deem himself warranted in supporting it as a thing irresistibly and loudly called for by the urgency of existing circumstances.

Mr. GILES, in reply to Mr. W. SMITH, remarked, that, having just presented the outlines of his opinion upon this subject to the House, he intended not to have troubled the House with any further observations; but the gentleman last up had thrown an imputation upon the humanity of the opposers of the bill, which required an answer. The gentleman has triumphantly asked, "Who can read the representations of the unfortunate captives at Algiers, without giving their assent to the bill?" This question is answered by another: Who can read the representations of the unfortunate captives at Algiers, and give an assent to the bill? The bill contains essentially a declaration of war. The means it provides, are for resistance, not for conquest. The gentleman calls upon our humanity to ameliorate the condition of the captives, by a declaration of war against a barbarian, without furnishing any means which could operate upon his personal fears; or, perhaps, the gentleman conceives that, after the frigates shall have performed wonders upon the water, they would leave the clement, boldly march upon the land, and break the chains of the prisoners. This is assigning a new office to the frigates, and if Mr. G. thought they possessed the ability to execute it, he would give his hearty assent to the bill.

But might it not, with more reason and probability, be concluded, that a declaration of war, under such circumstances, would irritate the barbarians and furnish additional misery to the unfortunate prisoners? In the expedient of purchasing a peace, which is the substitute he relied upon, the redemption of the captives will almost necessarily constitute a part of the negotiation. Mr. G. said, the gentleman, on this subject, appeared to have forgotten the whole connexion between *cause* and *effect*, and to have disdained all comparison of the *means* to the *end*. He believed, if ever there was a measure involving great political consequences, which owed its existence to passion, without one effort of calculation, as far, at least, as it related to its ostensible object, it was the measure contemplated by the bill now before the House.

The question was then taken on the passage of the bill, and it was resolved in the affirmative—yeas 50, nays 39, as follows:

YEAS.—Messrs. Fisher Ames, John Beatty, Elias Boudinet, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, George Hancock, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, William Lyman, Francis Malbone, Peter Muhlenberg, William Vans Murray, Josiah Parker, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg

Wadsworth, Jeremiah Wadsworth, Artemas Ward John Watts, and Richard Winn.

NAVS.—Messrs. Theodore Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William Findley, William B. Giles, James Gillespie, Christopher Greenup, William Barry Grove, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, William Irvine, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Francis Preston, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Paine Wingate, and Joseph Winston.

Resolved, That the title of the said bill be, "An act to provide a naval armament."

Mr. WILLIAM SMITH, from the committee appointed, presented a bill making certain alterations in the act for establishing the Judicial Courts, and altering the time of holding certain Courts; which was read twice, and committed.

Mr. WATTS, from the committee appointed, presented a bill for the relief of Stephen Paranque; which was read twice, and committed.

TUESDAY, March 11.

A memorial of Leighton Wood, junior, Joseph Stretch, and Joshua Dawson, in behalf of themselves and other clerks in the Treasury Department, was presented to the House and read, praying that they may receive such compensation, in addition to the salaries allowed them by law, as may be deemed equitable and proper, to reimburse the extraordinary expenses they incurred in the discharge of their official duties during the late calamity in the city of Philadelphia, where they remained at the great personal hazard of themselves and families.

Ordered, That the said memorial be referred to Mr. TRACY, Mr. MONTGOMERY, and Mr. WILLIAMS; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. DEARBORN, from the committee appointed, presented a bill for erecting a light-house on the Island of Seguin, in the District of Maine; which was read twice, and committed.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina;" to which they desire the concurrence of this House. The said bill was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill to provide for the defence of certain ports and harbors in the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

H. OF R.]

National Defence.

[MARCH, 1794.]

Mr. MADISON, from the committee to whom were referred the petitions of the clerks in several of the Executive Departments of Government, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the amendment reported by the Committee of the Whole House on Thursday last, to the bill making further provision for the expenses attending the intercourse of the United States with foreign nations; and, the same being twice read, was, on the question put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

WEDNESDAY, March 12.

An engrossed bill to provide for the defence of certain ports and harbors in the United States, was read the third time, and passed.

An engrossed bill making further provision for the expenses attending the intercourse of the United States with foreign nations, was read the third time and passed.

A message from the Senate informed the House, that the Senate have come to a resolution, "That the PRESIDENT OF THE UNITED STATES be requested to transmit to the Executives of the several States, copies of the article of amendment proposed by Congress to be added to the Constitution of the United States, respecting the Judicial power;" to which they desire the concurrence of this House.

The House proceeded to consider the said resolution, and, the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House, on the bill making appropriations for the support of the Military Establishment of the United States, for the year 1794; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

Mr. SAMUEL SMITH, from the committee appointed to consider and report on the propriety of remitting the duty on imported bar iron, in certain cases, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House, on the report of the committee to whom was referred so much of the Speech of the PRESIDENT OF THE UNITED STATES as respects arms and military stores, magazines, and arsenals; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, amended, and agreed to by the House, as follow:

Resolved, That the President of the United States be authorized to direct two arsenals and magazines, with the necessary buildings, to be erected in proper

situations, to accommodate the Southern States; and that the arsenals and magazines at Springfield, in Massachusetts, and Carlisle, in Pennsylvania, be repaired; and that a sum not exceeding fifty-nine thousand dollars be provided for that purpose.

Resolved, That a national armory be erected, and that a superintendent, and two master armorers, be appointed by the President of the United States, to superintend the same. That so many persons may, from time to time, be employed therein, as the Secretary for the Department of War may judge necessary, and that a sum not exceeding twenty-two thousand eight hundred and sixty five dollars be provided for defraying the expense thereof.

Resolved, That a sum not exceeding one hundred and forty-three thousand six hundred and forty dollars, be provided, for the purpose of purchasing an additional quantity of arms and ammunition.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. FITZSIMONS, Mr. GOODHUE, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MALBONE, Mr. BOUDINOT, Mr. PARKER, Mr. MACON, Mr. WINN, Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. BALDWIN, Mr. ISRAEL SMITH, Mr. LATIMER, and Mr. DAYTON, do prepare and bring in the same.

A Message was received from the PRESIDENT OF THE UNITED STATES, with translations of two Letters from the Commissioners of His Catholic Majesty to the Secretary of State and of their enclosures.

The Message and papers were read, and ordered to lie on the table.

NATIONAL DEFENCE.

Mr. SEDGWICK, after some prefatory remarks, offered the following resolutions:

Resolved, That there be raised, armed, and equipped, fifteen regiments of auxiliary troops, to consist of one thousand men, rank and file, each, with the proper officers.

Resolved, That the commissioned officers thereof be appointed as other officers of the United States, and that the non-commissioned officers and privates be enlisted for the term of two years; and, with this condition, that if war should break out within that time between the United States and any foreign European Power, they shall be bound to serve for the term of three years, after the commencement of the war, if the same shall so long continue.

Resolved, That, in case of such war, the officers of the said regiments shall be entitled to the like pay and subsistence, and to equal rank and command, with the officers of the present Military Establishment of the United States; but, except in such case, shall be entitled to pay only for the time they shall actually attend on the days of training and exercise, hereafter mentioned.

Resolved, That each non-commissioned officer and private shall, by virtue of his enlistment, be entitled to a bounty, consisting of a suit of clothes per annum, of the value of twelve dollars, and shall also be entitled to a compensation of half a dollar per day, for each day he shall assemble for the purpose of training or exercising; which, except in case of war with some foreign European Power, shall not exceed twenty four days in one year; and, in that case, each non-commissioned officer and private shall be entitled to the same pay and

MARCH, 1794.]

National Defence.

[H. OF R.]

rations, and shall be subject to the same rules and regulations as the other troops of the United States.

Resolved, That the said regiments shall be furnished with arms and accoutrements at the expense of the United States, to be returned at the expiration of their term of service.

Resolved, That revenues by taxes or duties, competent to the purpose of defraying the expense of raising and paying the said troops, be provided.

Resolved, That, within two years and six months after the time which shall be prescribed by law for beginning to enlist the said troops, if no war shall in the mean time break out with any foreign European Power, the regiments aforesaid shall be abolished and cease.

Resolved, That the President of the United States be authorized, if in his judgment the safety or welfare of the United States shall require it, to lay an embargo, generally or particularly, upon ships in the ports or harbors of the United States, for a term not exceeding, at any one time, forty days; and also to prohibit, for a like term, generally or particularly, the exportation of commodities from the United States; and such embargo or prohibition to continue, from time to time, until the expiration of fourteen days after the commencement of the session of Congress next ensuing the present.

Mr. SEDGWICK remarked, that his object was the preservation of peace; but as peace may not always be in our power, it may be necessary to prepare for the contrary event, war; and, in this event, something like the measure he proposed would, he believed, be found necessary. His resolutions contemplate giving a bounty of twelve dollars per annum, in a suit of clothes, to each private and non-commissioned officer. This, he believed, would be found sufficient encouragement to enlist, and half a dollar to each on the days of muster he thought also sufficient. This might, indeed, at first view, be thought high pay, but not so if it is considered that the mustering would be an inconvenient interruption in the ordinary labor of the men, which should be compensated for. There might, at first sight, be thought to be an inconsistency in his resolutions, which he would, to prevent misapprehension, explain. In one part of them the men are said to be enlisted for two years, and then again it is expressed, that two years and six months after their enlistment the regiments are to be disbanded: the six months are considered as necessary for collecting the force, and two years their term of service; which is not too long, considering the situation of Europe. This force, organized in the manner proposed, will always be prepared to present a firm countenance in any point of our territory on which an attack may be made. He believed, however, that the experience of Great Britain, during the late war, would prevent them from making any attempts on our territory; he believed it not in the power of any nation to conquer America, or to dismember it, and possess themselves of any section of it.

There is another object, besides defence, to which the force contemplated would be equal. The European Power to which the resolutions point, now entertains hopes of conquest in the West Indies, as an indemnification for the expenses of the war in which they are engaged. At all times, their Colonial possessions in this country,

now the Independent United States, were dear to them, and would be doubly dear as the means of supporting their profitable Dominions in the West Indies. He hoped that the thirst for conquest would never direct the Councils of America; but, if we are unfortunately to be driven to the carnage of war, it will be necessary to wound our enemy where he is most vulnerable. The resolutions would, he hoped, undergo a temperate discussion. When possessed of the force contemplated, the adjacent rich Dominions of the nation, whose policy injures us, can easily be struck, and the wound will certainly be severely felt. This impending blow will render that Power cautious; they will reflect on the danger of rousing the resentment of a country so capable of retaliating with vigor. These were the objects he had in view by his resolutions. Objections to them would arise; the jealousy which Republicans bear to standing armies might be mentioned with some weight; a militia would be pointed at as the surest defence. They certainly are so, to a certain extent; the opinion of their efficacy operated to so great a length before our Revolution, that it perhaps in a degree injured us: but experience is the surest guide. A militia must be abandoned as a means of retaliation. The terms of embodying militia are so short, that by the time they have become a competent and effective force they must be disbanded, and then nothing but force can detain them in the field, and the country is left naked and unprotected. Besides, their wages, of necessity, are greater in time of war than those of regular troops, and the want of discipline occasions them to commit a great waste on the property of their fellow-citizens, besides a waste of public property. As long as we depend on a militia alone for repelling foreign injury short of a direct attack on our territory, European nations will not consider us as able to retaliate, and assert our rights. But the scheme proposed will make us more formidable. And as, unless necessity compels, these troops may remain in the bosom of society, and scattered throughout the country, it is impossible that they should be formidable to the liberties of the people; it is impossible that they should have feelings different from those of the community.

One more observation he would make. When he considered the subject in his own mind, two *desiderata* appeared to him necessary to be united; the organization of an active force with as much speed as possible, and affording protection with the least possible expense. It might not be improper to state, as far as he was able, the probable amount of the expense of the proposed establishment: he had made a little calculation. The regiment is to consist of 1,000 privates: this number is purposely large, that the expense of officers might be less; one sergeant major, and fifty sergeants, to each regiment, would make the whole number of non-commissioned officers and privates 1,051 men. These, at twelve dollars for the suit of clothes per annum, would make the expense in this article \$12,612; and the twenty-four muster days, at half a dollar a day, an equal sum, in all \$25,224; which,

multiplied by 15, the number of regiments, gives a total of \$378,440. He had not accurately ascertained the amount of the officers' pay, but believed it would be \$14,820; making in the whole \$393,260 per annum; the whole expense of the proposed auxiliary or provisional troops. He called them auxiliary, in reference to the 5,000 regulars which now belong to the Military Establishment of the United States, with which we should be able to bring 20,000 men into the field, a number competent to any purpose for which they would be wanted.

The resolutions contemplate, as a probable contingency, the propriety of laying an embargo on American vessels, and prohibiting the exportation of the produce of the United States. If such an embargo shall be necessary, the operation can be better performed by the *PRESIDENT* than by the Legislature. In a body as numerous as the Legislature, it is impossible to keep a secret for any length of time, and the delays which the necessary forms require, would be such, that the effect of the measure would be lost before finally adopted; for every ship, and all the produce which possibly could, would immediately be put out of the reach of Government.

The reasons on which this idea of an embargo are founded, are, that Great Britain cannot supply her West Indies except from the United States. If this is in any degree true in peaceable times, how much more powerfully must it operate now they have a considerable military force there to feed? In truth, without supplies from this country, they must inevitably abandon a project—with them a favorite one—the conquest of the French West Indies. In this situation of affairs, he believed it would be found proper to put into the hands of the *PRESIDENT* a power to lay this embargo, and in a moment to prevent all supplies going to the West Indies. On great occasions, confidence must be reposed in the Executive; and the universal confidence in the present head of that Department, would prevent all fears of its being abused in his hands. When we are once in the situation contemplated by the resolutions offered, and if we are then obliged to exert the means in our power for our defence, (but he hoped we should not be impelled to this disagreeable necessity,) we can speak a manly language to any one who may attempt to injure or insult us. He was persuaded, that if a country does not respect itself, it will not be respected by other nations; that if a nation is not vigilant in guarding their rights; they soon will have no rights to guard; if they receive insults and injuries with impunity, they will suffer injuries and insults without end. This is not the time for feeble measures. A manly conduct ought to be pursued—a conduct worthy of our brave and honorable constituents; they have strength bravely to assert, and resources to vindicate their rights. He did not wish the Government to hold any language to intimidate: we should tell the belligerent Powers that we can make reasonable allowances for a state of war, but are not to be imposed on. Such firm language, backed by our means of forcing respect, by with-

holding supplies necessary to them in the prosecution of a darling object, and by an active force ready to strike in a vulnerable quarter, must be heard, and have its due weight.

He next turned his attention to the source from which funds may be drawn for the execution of the plan proposed, and expressed a firm reliance on the patriotism of the people of America, who, he believed, would cheerfully submit and contribute in any manner which Congress might judge proper, in support of their rights, and to vindicate their national honor. He adverted to some observations which fell a few days since from Mr. LEE, which he said did honor to that gentleman; but he could not agree with him in thinking that a land tax was immediately necessary. He believed it as yet unnecessary to touch that great resource; and, if it is unnecessary, it is not expedient. If it must be resorted to, however, he believed the people had virtue and patriotism enough to submit without murmuring.

He concluded by observing, that the nation of whose treatment we have a right to complain, viewing our resources, will reflect seriously on the consequence of imposing any further injuries, and for their own interest's sake, will pursue a different line of conduct, which will permit us to continue in a state of tranquility and friendly intercourse with them.

Ordered, That the said motion be committed to a Committee of the Whole House on the state of the Union.

THURSDAY, March 13.

An engrossed bill making appropriations for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four, was read the third time and passed.

Ordered, That a committee be appointed to inquire into the expediency of fixing buoys on certain rocks lying off the harbor of New London, in the State of Connecticut, and Providence river, in the State of Rhode Island; and that Mr. COIT, Mr. BENJAMIN BOURNE, and Mr. COBB, be the said committee.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act in addition to the act for the punishment of certain crimes against the United States," to which they desire the concurrence of the House.

Mr. FITZSIMONS, from the committee appointed, presented a bill to provide for the erecting and repairing of arsenals and magazines, and for other purposes; which was read twice and committed.

FRIDAY, March 14.

The bill, sent from the Senate, entitled "An act in addition to the act for the punishment of certain

MARCH, 1794.]

Commerce of the United States.

[H. OF R.]

crimes against the United States," was read twice and committed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act allowing to Major General Lafayette his pay and emoluments while in the service of the United States;" to which they desire the concurrence of this House.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

MR. HARTLEY said: I am exceedingly sorry that this resolution has been pressed upon us at this time, as I hold it would be improper now to adopt it. If we have a war, which is highly probable, the trade will be cut off between these States and Great Britain, and no regulations will be necessary. I am sure no one will say that this resolution, in case of a war, would be an useful or necessary ingredient for our defence. The aggressions have been, so far, totally on the part of Great Britain. As a nation, we may have a right to pass the resolution; but as its consequences are uncertain, and as this may be considered as an act tending to meet Great Britain in hostility, I am not for passing it at present. The enormities of the British lately, upon the high seas, in seizing the vessels and citizens of America, amount to piracy and robbery, and are against the law of nations. They would justify an immediate declaration of war. Prudence may, however, forbid it for the moment. We should go on with our preparations for war, and fall upon effectual measures for our protection. These ought to draw our attention. There is still a possibility of preserving peace. We should adhere to a neutrality until war is inevitable. Let the causes of the war arise from Great Britain. Let us do no act which will throw an imputation upon us. If the aggressions on the part of Great Britain should be continued, or satisfaction not be made for the pass, we may be necessarily involved in war, and we ought to be thinking on the most effectual means to carry it on.

The French Republic expresses herself friendly to the United States. We should not be backward in making return for any of her good offices towards us, provided our acts do not infringe the principles of neutrality. I believe it to be the desire of this country to preserve the neutrality; and, so far as I can learn, even the French Republic do not wish us to be involved in war.

We have been insulted and injured by Great Britain in almost every part of the globe. Generous minds would be willing to forget former injuries, but the late conduct of that nation will force us to hate her. I still would wish to avoid a war; but if we are forced into one, and should be unanimous, Great Britain may find us in a better situation than she at present imagines. To the Eastward there is an armed militia of 170,000 men; and, in general, throughout the States, men will be found to act against a common enemy.

Nay, if we are unanimous, from our situation, we have little to fear from European combinations.

This resolution, if passed by a small majority, would show a division in this country; whereas, in measures at this time, we ought to be as unanimous as possible. There is no necessity for the resolution. My vote, by some, may be considered as unpopular; but I shall do my duty, and am well convinced that my immediate constituents will approve of my conduct.

MR. SMITH, of S. C., next arose. He had felt as keenly the injuries which Great Britain had inflicted on us, as any one on the floor of Congress, but had hitherto been silent, as the public mind, both in and out of doors, was sufficiently inflamed, and required rather to be allayed than further irritated. When the Committee were last on the subject of these resolutions, the country was in a very different situation from what it is now; the commercial relation of the two nations did not call for them; he then and still hold the opinion, that commercial and political grievances should not be confounded. On that occasion, therefore, he had avoided adverting to the political conduct of the British; he considered only their conduct in a commercial point of view, and, in this light, judged the propositions by no means advisable. As operative on our commercial intercourse with that country in time of peace, they will only be an injury to ourselves, and will affect materially those States where manufactures have not made any great progress, and who have the more bulky articles for exports. This was their opinion of their tendency when they were first brought forward, and it had not changed since. Viewing the subject in a political point of light, the resolutions are by no means sufficiently energetic; both as a peace measure or a war measure, they are equally improper.

When the resolutions were first before the Committee, he had entertained hopes that negotiations with Great Britain, or the events of the European war, would have worked some change in the political conduct of that country, which would enable us to preserve a strict neutrality and avert the horrors of war from our peaceful shores. War is a great evil. The people, from one end of the Continent to the other, show that they prize neutrality, and the unanimous approbation of the pacific measures adopted by the PRESIDENT, show that peace is the wish of the Representatives of the nation. As long, therefore, as a gleam of hope existed of our being able, by means of negotiation, to keep up a good understanding with Great Britain, so long he was opposed to every measure which might tend to interrupt the tranquility. But he was sorry to find, that far from receiving the expected satisfaction, aggressions have been heaped on us with tenfold aggravation. We should, then, reflect on measures proper to guard us against them. The resolutions before the Committee are not calculated, he conceived, to produce this effect; other much more efficient means can certainly be devised. The Legislature should turn their attention to measures of greater energy; they should attend to the immediate defence of the seacoast,

the organization of troops, and the means of procuring a revenue to nerve the sinews of war. At present, our commerce yields almost all the revenue that flows into our public coffers. If that commerce is interrupted by a war, we should devise a substitute. A land tax or stamps must be resorted to—a revenue from some source other than commerce must be secured. It was his wish to forbear entering into any measures that had a hostile appearance until the country is placed in a state of defence, and the means of revenue are so organized as to put us out of danger.

When the subject of the resolutions were first before the House, he forbore making any mention of the detention of our posts, the depredations on our commerce in the European seas, and the piracies of the Algerines, because negotiations were then pending of which he hoped a favorable issue, but he owned he was disappointed in his expectations. With respect, however, to the Algerines, though the annoyance we suffer from that quarter is an effect of the unfriendly disposition of the British towards us, yet their conduct in that cannot be construed into direct hostility; and we should, therefore, content ourselves with protecting our commerce against those pirates by a naval armament, or purchase a peace. The resolutions before the Committee, considering the critical state of affairs, are not only too inefficient, but too tardy in their operation. They cannot be intended to operate on this Spring's importation, nor, indeed, upon the importations of the Fall; for, before this time, orders are given, and they cannot be meant to operate so early, because they would have an *ex post facto* tendency. They are, then, to operate upon the importations this time twelve-month. So feeble and remote an operation cannot answer any good purpose. Why proceed in regulating our commerce, when the commerce is to be saved from annihilation? He was sorry the House did not think proper to go first into the question of an embargo. No doubt this was a question of primary importance; but he believed it would not produce that shock to the commercial interest that some gentlemen feared; as the question was not to lay an embargo, but to empower the PRESIDENT to adopt such a measure when he thought the exigency of affairs required it.

Mr. S. took a view of the operation of the resolutions as manufactures are concerned, and endeavored to show that either we—especially the Southern States—must do without many articles of necessity, that we are accustomed to receive from Great Britain, or pay an exorbitantly increased price for them. He wished to know what rate of increase on the present duties was contemplated by the friends of the resolutions; and whether it was intended to increase the duties laid the other day, when on the subject of ways and means, on certain articles, still higher? The mover of these propositions, he observed, when he first brought them forward, openly declared that he did not wish the duties very high at first, but to raise them gradually. He was desirous of knowing whether the gentleman was of the same mind still, or whether he now contemplated prohibitory duties?

Some gentlemen thought they had discovered an inconsistency in the arguments of those opposed to the resolutions, because they maintained that they might accelerate war, and at the same time are not sufficiently energetic. The observations he believed just. The resolutions will have an irritating, and therefore hostile tendency, and yet they are perfectly impotent in effect in case of hostility. We have reason to contemplate a state of war; we should therefore exert all our means to prepare for such a state. We should fortify our harbors, raise a revenue, organize troops, and put ourselves in complete readiness, yet at the same time we should not hold irritating language. Let us hold out that we wish peace as long as peace can be preserved, and when war is unavoidable, not meet the event unprepared. He hoped the resolution would be negatived, as a measure inefficient in the present critical situation of affairs, and only tending to irritate unnecessarily.

Mr. GILLES conceived that gentlemen built their opinions on an idea, that if we adopt this resolution it is to prevent other measures from being taken. These resolutions he considered as powerful auxiliaries to any other measure which it might be thought prudent to pursue. He proceeded to point out that the resolutions contemplated must have a useful tendency in the event of a war. If a war takes place, a termination to it must be expected; then this system will form the best ground of negotiation. Great Britain, in a negotiation for peace, would certainly be willing to give an equivalent for any relaxation of the regulations meant to be established by the resolutions. In this single point of view, they undoubtedly are a very important engine. The Executive is, by the Constitution, empowered to make treaties; but the Legislature should put the nation in the best possible state to negotiate them on advantageous terms. If we are to have war, the resolutions can, at any rate, do no harm, and at its termination, must produce a great good. If we remain in a state of peace, he believed the first operation of the resolutions would be to increase the revenue; by degrees, only, the importation would be discouraged, and then a spur would be given to our manufactures. He enlarged on this idea, and dwelt further upon the peace operation of the resolutions. He believed there is as yet no deficiency in the revenue of the United States. If a deficiency shall take place, he would be ready to make it up. If our importations, and consequently our impost revenue, should decrease, our ability to pay taxes in another shape will increase in the same proportion. He next animadverted on observations which fell some days since from Mr. LEE, who, he said, had asserted generally that there appeared, within the walls of Congress, a disposition in some to violate the rights of a certain kind of property. He wished the gentleman more explicit as to the persons he referred to, and the expressions that warranted the belief he had expressed. [Mr. G. was interrupted and declared to be out of order.]

Mr. DEXTER said: The less love or hatred we have to foreign nations, the less fear of them will actuate our Councils. We should legislate

MARCH, 1794.]

Commerce of the United States.

[H. OF R.]

only for our own country. He made this observation to introduce his principal objections to the resolutions, viz: that they discriminate between foreign countries, because we hate the one and love the other, and tax our citizens to gratify those passions. This was his principal objection to the resolutions; an objection that no alteration of circumstances could do away; an objection which rests on the immutable interest of this country to be detached from foreign politics as much as possible. It is true, that though these resolutions were adopted, we should be able to adopt any other energetic measure; but he objected to wasting time on this, when more serious concerns call for our attention. If we were attacked by an assassin, should we spend our time in fixing our sword-knot or feather; should we not rather think only of defending ourselves? Should we now spend time in discussing commercial theories? The gentleman last up said, these resolutions would be important at the termination of a war. Surely, then, there is time enough to consider the ground we wish our commerce to stand on at the end of a war which is not yet declared. If we are engaged in a war, our commerce will not require to be regulated, and the passing these resolutions will be an obstacle to peace, rather than tend to secure to us advantages for their relaxation. Another consideration had weight on his mind. Why should we discriminate? Because one nation is hostile and the other friendly? Strong as our partiality may be, where is that European nation that confers acts of kindness on us at the present time? He saw none that merited a return of good offices.

If we are involved in a war with Great Britain, we shall not remain at peace with Spain; and as it is the drift of the resolutions to encourage the commerce of foreign nations, and Spain among others, at the expense of that of Great Britain, then, at the close of the war, the weight which a relaxation of those regulations may have, as far as Great Britain is concerned, will have a contrary and proportional effect so far as Spain is interested, for every diminution of the encouragement granted by law to the Spanish. Nature intended that we should be out of the reach of the politics of Europe. Our interest is loud against the connexion.

If the resolutions are passed, a basis will be laid for a permanent system of commerce with them—a link he never wished to see established. If we meddle with European politics, we may catch the contagion which so unfortunately desolates one fine country, but which is perhaps there a necessary, or, at least, unavoidable evil. He feared the effect of dissensions among us; a reign of anarchy would lead to despotism. This he dreaded more than the effects of external aggressions. He wished all thoughts were at present turned to self-defence, to devising and organizing the means.

It was said, that the resolutions had not a tendency to provoke war. If it is the intention of the nation against which they are meant to operate, to make war, it is immaterial in this respect whether they do or do not pass. But to spend time on

them, is trifling, at this critical juncture. They may have an injurious tendency. We had been told that the manufacturers and merchants of Great Britain would not suffer the Government to go to war with us. By passing the resolutions, the friends of which say are to operate against those very classes of people, we shall destroy that check, and render a war with us a popular measure. We have much shipping in the ports of our actual, though not yet declared enemies; will any irritating measures tend to the security of that property? Will they not diminish the chance of their being released? By passing the resolutions, we should show our temper without retaliating, and we should unjustly oppress the mercantile interest. It is sufficient to show that the resolutions are inefficient, to prove that they ought not to pass. He believed, if the resolutions had not been brought forward before this day, no member would have thought this a time fit to introduce them; then why now insist upon a decision on them? They are robbed of the object on which they were intended to repel aggressions; they are only a show of resentment, without operation. This is not the time for such feeble measures; our commerce, our very existence as an independent nation, is threatened. The present war is a war of political principles; we must secure ourselves against attack, and avoid all connexion, as much as possible, with European politics. Let the ocean be a gulf of partition between us and the Eastern hemisphere, at least till the present convulsions are at an end.

Mr. NICHOLAS said, he should not attempt to follow the gentleman last up, through his eloquent address, or undertake to go into an answer of the variety of general charges brought forward against the resolutions. He wished only to take notice of one of two points in the debate. It was said, that the existence of the resolutions would rather be a bar to the termination of war, than an inducement with our enemies to make a peace. Is it to be imagined, he asked, if Great Britain intends to drag us into a war, that she has not an object to obtain by it? If she has, she will not abandon it without being compelled. When forced to the necessity of wishing for peace, will she not be disposed to put us in as favorable a situation as before hostilities? But are we prepared to say, that after being dragged into a war, we shall be willing to make peace without obtaining some security that we shall not be molested in future? If he understood what a conduct truly dignified, on such an occasion, ought to be, we should insist not only on a reparation of the injury and insult, but show to the world, that, after obtaining complete satisfaction, we were determined to obtain security against future aggressions. The present measures did not, as has been asserted, originate in favoritism; they are not intended to repay a debt of gratitude; they are drawn forth by the injuries inflicted by one nation, and are meant to benefit the country for which we are sent to legislate. If, however, in their operation, they should benefit France, this was surely no argument against them; on the contrary, it ought to be an additional argument in favor

H. OF R.]

Commerce of the United States.

[MARCH, 1794.]

of them, as we owe that nation a debt of gratitude.

Mr. KITTERA called the attention of the Committee to the immense waste of time which the discussion of these resolutions had occasioned. Two months had been in a great measure spent in discussing them. It was like consulting on the improvements to be made to an edifice threatened by a conflagration. He hoped the question would be taken.

Mr. PAGE, in the present exigency, conceived that nothing would have a better effect than attending to these commercial regulations, which would show our love of peace, and fulfil the great end for which the Federal Government was instituted.

Mr. MURRAY said: When war is staring us in the face, he wondered gentlemen did not feel that the resolutions are not proper. They are bad as a permanent system; bad in the present emergency. He was surprised that the friends of the resolutions, when they were the subject of discussion before, should appear to feel so much from the injuries inflicted by Great Britain, and now that they are increased ten-fold, should not have risen in those feelings. He was surprised to see their minds stationary, though the danger is growing, and to find every measure of energetic defence which had been proposed, opposed by the gentlemen. The present critical juncture called certainly for vigorous proceedings, and under this impression the opposers of the resolutions had been bold to call them trifling. In a commercial point of view, they are ill calculated, and were hazardous when peace was yet within our reach, but when a change of circumstances has given us a prospect of war, they are too trifling. He put a case. Would a farmer differ with his wife and daughters about the pedlar they should give a preference to, in purchasing their gew-gaws; whether they would employ the English, Scotch, or Irish pedlar, when one of them was stealing the sheep, and wantonly sporting with the property on the farm? No, certainly, they would unite, and drive the thief off. It is just as ridiculous in the Legislature to be now spending their time about commercial regulations. More energetic measures are necessary. How is an additional ten per cent. on importations capable of opposing the torrent of British injustice? Let all intercourse with Great Britain be stopped, until they give us satisfaction for the injuries they have done us. This would be exhibiting a temporary enmity for a temporary evil; but the adoption of the resolutions would evince an eternal enmity, and at the same time want the energy which the urgency of the case would require.

Mr. PARKER rose to set the gentleman last up right as to one assertion. He said that the friends of the resolutions were opposed to every energetic measure which had been proposed. This was not the case; indeed, unless himself and several other members, friends to the resolutions, had voted for some of those more energetic measures, they would have failed.

Mr. MURRAY thought he confined his observa-

tions to a majority of the friends of the resolutions.

Mr. PARKER believed the resolutions would be beneficial to his country, and tend to encourage our manufactures. Under this impression, he was in favor of them. He wished all party distinctions dropped at the present critical juncture. He did not like to hear of *these gentlemen* and *those gentlemen*; let us unite as one. A member from Massachusetts conceived the resolutions bore the stamp of *French* on the very face of them. He wished, for his part, that every body and every thing could be plainly read by some such device, we should then see what and who is French, and who is English. He should not, he hoped, let prejudice get the better of his reason, but thought that he never could forget that, probably, without France the Legislature would not be now deliberating within these walls.

Mr. SEDGWICK said, that although he had been absent during the discussion of this important subject, yet he could not consent to give a silent vote, though he had not the vanity to suppose he could give new light; yet, having on a question of magnitude accustomed himself to speak as well as vote his sentiments, he would not now omit it; he felt the propriety of apologizing on this occasion. It was said that the measure was popular, and that the opposition was reprobated by the people; if so, it would be mean and base in him to shrink from a participation with the gentlemen, with whom he had so long acted, with perfect satisfaction to his own mind.

The question was now presented, as doubtless it ought to be, directed only to Great Britain, and proposing a discrimination against her. The object was to compel that country to relax the severity of her commercial regulations, and to put her intercourse with this country, on a more favorable footing to us. That all this was to be effected by lessening our trade with Great Britain, and diverting it to other channels.

When to all this it was replied, that the present conduct of Great Britain put such regulations at defiance; that so far from showing a dread of such a system, she was pursuing measures, which as far as in her power, threatened our commerce with annihilation; that at such a time to attempt by the proposed measures, to bend her views to our wishes was absurd. That at this time, if there was a ray of hope to avoid the calamities of war, every measure which was at the same time irritating and ineffectual should be avoided. To these objections it was answered, was war inevitable, the proposition ought now to be adopted, as a commercial system to come into operation at the conclusion of the war. Gentlemen who made this answer, did not seem to remember that to render it just, we must possess a certain knowledge of the events of the war. That the relative circumstances of the two countries might be mutually altered by those events, and that which might be proper now, would be wholly improper then.

As this question was merely of a commercial nature, he had regretted to see political considerations intermingled in the debate. The antipathy

MARCH, 1794.]

Commerce of the United States.

[H. OF R.]

that was manifested to one country, and the friendly regard to another ought not to influence the decision. Passion should be banished, and just and cool calculations, on the foundation of national interest alone direct our determination.

It was not now a question, whether Great Britain had inflicted political injuries on this country, whether she aided the savages of the wilderness in the murder of our citizens, whether she had let loose upon us the more barbarous savages of Africa, or whether she had committed piratical depredations on our commerce; if these facts were so, and justice could not be obtained by negotiation, though he should deprecate war as an evil of great magnitude, yet should justice be denied us, he should then seek redress with as much firmness he hoped as most men. In such a warfare, he should hope for victory; there was he believed no foundation for such hope in the warfare contemplated by the propositions before the Committee.

He laid it down as a maxim that the Government of every country in all its deliberations should be influenced only by considerations of public good. To do justice to all the world, religiously to perform its contracts, these were to be scrupulously observed, for they were always for the public good. A private man might indeed, practise disinterested benevolence to any extent his humanity and generosity might dictate; a public man had no such authority. Did America, he asked, owe a debt of gratitude to France, whence derive we the authority to discharge it? Is such debt due, who shall calculate the amount? How much of the blood, of the treasure, of the prosperity of our country, will ease us of this load of obligation?

He said he did not wish to depreciate the merit of France; her efforts were glorious to herself, and beneficial to this country. That he might, however, be permitted to recal the remembrance of the Committee to her conduct, he then exhibited a view of that conduct, from which he concluded that every thing which was done, had its foundation in a cool and temperate calculation of national benefit. That this, indeed, was the only legitimate motive to national measures. That other countries could always calculate their measures upon national interest, and he sincerely hoped the Government of this country would do the same. To do otherwise, said he, is Quixotism—it is crusading for the salvation of others, and not ourselves. He hoped therefore that no part of our assent to the proposition immediately under consideration, would be expected either from gratitude on the one hand or resentment on the other.

He said, he should proceed to consider whether it was for the interest of America that this proposition should be adopted. The objects are to lessen credit, to control commerce by diverting it from its ancient channels, to encourage navigation and manufactures; and the motive was, that Great Britain possessed a greater portion of our trade than she was entitled to from her disposition and conduct towards us.

He could not help premising that the features of the system were strongly marked with a disposition to control men in the economy of private life and in the management of their fortunes; why else not permit them to extend their credit when in their opinion it may be useful to them? Such measures, for such purpose, could only be justified on a pretence that our countrymen were deficient either in wisdom or in prudence. A pretence which, if not insolent, always had, and always would be found mischievous, because the great bulk of every community were more competent to the management of their own private concerns than the Government could pretend to be.

The whole system is directed towards Great Britain, and the object is declaredly coercion. The consequences must be either, first, that Great Britain would submit; second, that she would withdraw her capital and relinquish a commercial connexion with us; or third, that she would counteract our regulations by Legislative provisions.

Suppose Great Britain should be compelled to submission, it would not be imagined she would do it immediately; and, in the meantime, we must suffer much distress. It was true, he said, we had many other commercial connexions, but in these we did almost the whole of the carrying: none of the nations to whom we are thus allied having any considerable shipping to spare for our purposes; nor was there any probability that they would immediately, if at all, furnish us with any considerable supply. We must, therefore, depend on ourselves. In a country circumstanced as this was, it was to be expected there would always be a deficiency of commercial capital, because there were so many objects to which capital could be profitably applied. The object of the resolutions under consideration, was to divert capital from branches in which it was at present gainfully employed, to others. The branch was at present overstocked, yet a diversity must take place, for ships must be built or our produce could not go to market, but must perish on our hands. Manufactures, too, must be established, or our citizens could not be supplied with the necessaries and conveniences for which they now depended on other countries; and they must do without them until our navigation is sufficiently increased. What effects, he asked, were to be produced by a diversion, and that immediately, of one half of our commerce from its ancient and natural channels? Was there nothing to be feared for the preservation of the public credit which this commerce was to support? Nothing for the prosperity and happiness of our country? But what, he said, appeared almost farcical to him was, it was not intended to be permanent. Gentlemen said, Great Britain would not stand the shock; she must submit; the very scheme, then, supposed its continuance was to depend on the pleasure of the country against whom we were to declare commercial war. When our ships were built and our manufactures established, Great Britain would give over the contest. Then our ships might be laid up at our docks, and our manufacturing capitals replaced in those branches from which it was now to be instantly withdrawn; for,

unless that country would be convinced that she should participate in our commerce, which would not be the case if we supplied ourselves, she would certainly never humble herself before us.

Strange and absurd suppositions were made to lay the foundation on which to build this system. It was supposed that without any considerable distress of our citizens; without a shock to public credit; without shipping to export or import; and with a deficiency of commercial capital, we could divert, and that immediately, half of our commerce from its natural channels, while Great Britain, must be ruined, or at least compelled to submission, by a diversion of a small portion of hers, although she had shipping to transport through the world, and more commercial capital than any nation on earth. Take care, sir, said he, I beseech you, that led astray by resentment, gratitude, or refined theory, the curse of modern times, you do not dissipate your goodly inheritance. Gentlemen had said, our constituents are improvident, that the extension of credit afforded the means of dissipation; let us destroy those means. Strange doctrine, said he, and unfounded as strange! We have no right to assume the character of their guardians in this respect. There are not, as has been justly stated by a gentleman from Virginia, [Mr. LEE,] any means by which this can be justly done, but by giving stability to your Government, and enforcing a prompt and impartial execution of your laws, which indeed would rather extend than limit credit.

Was Great Britain to relinquish her commercial connexion with us, though to her it would be a misfortune, yet to us it would be a very unhappy event. Ever since he could remember, it had been the fashionable cant to exclaim against credit; yet under a system of credit, America had enjoyed unexampled prosperity. That, in his opinion, experience was the only unerring director in political investigations.

The commercial intercourse between Great Britain and America would continue, should this system be adopted, or it would cease. In either case or in a mean between the two, the burdens created by it would fall principally if not wholly on our citizens. Should it continue, it would be a charge on our imports and exports to be satisfied by the labor and industry of our people. On our exports, because in all foreign markets the products of our country have to sustain a competition with the same species of the products of other countries. A hogshhead of tobacco, for instance, has its price determined by the demand for it compared with the capacity of supplying that demand by this and other countries; an indemnification for the additional expense cannot be obtained in the sales; it must therefore be an expense in the labor and industry which produces the article. On our imports, the same will be the case, for a merchant will not continue to supply a market which will not indemnify him for all his expenses and besides afford him his usual profits. In this case also, there would be no other source of indemnification but the labor and industry of the country. Under the pressure of these burdens the reduced price of ex-

ports and the enhanced price of imports, how altered, from its present happy state, would be the condition of our planters and farmers! If the intercourse should not continue, then should we destroy our best markets, deprive our people of the most valuable source of supply, and destroy, too, the best means of supporting the public credit.

It remained, Mr. S. said, to be considered what effects would probably result from Great Britain meeting our regulations with counteracting restrictions. But, previous to an immediate consideration of this question, it would be proper to inquire whether the commercial conduct of that country towards this would justify this measure as a mean of retaliation?

He said, that he believed the conduct of Great Britain had, on this subject of commerce, been too limited and narrow. That this was particularly true as respected a commercial intercourse between America and Great Britain and her Dominions in the West Indies. But it should be remembered that she was an independent nation, and as such had a right to consult and pursue her own interest. That until she should be convinced that a more liberal and enlightened policy was for her benefit, it could not be expected that she would sacrifice her own interest to our benefit. That she would be at the expense of maintaining and supporting her Colonies, that we might participate in the profit. That all we could in reason demand of her was, that she should not discriminate against us, but that her conduct should be as favorable to us as to other independent nations. Was her conduct influenced by the considerations which have produced the resolution before us? Did she single out America as the only object of her resentment, the ardor with which this measure was pursued would have sufficient foundation for its justification.

Mr. S. then proceeded to state the regulations of Great Britain which directed her intercourse with this country. He said that respecting the West Indies, the same severe, rigid, and gloomy exclusion extended equally with us to all nations; with this only difference of partial and temporary relaxations in our favor, as, in her opinion, her occasional required. That, respecting an immediate intercourse with Great Britain, her regulations were as favorable to us as to any country, except only where favors are the effect of direct stipulation; nay, they are more so as respects the important articles of pot and pearl-ash, pitch, tar, timber, and an exemption from the payment of alien duties.

If, then, Great Britain did not discriminate against us—if her discriminations were favorable to us, where was our right for complaint? Should, however, unprovoked resentment (for gentlemen would remember to put political considerations out of the question) stimulate the adoption of the proposed measures, the disposition of that country to retaliate would be certain; her capacity for retaliation was therefore to be considered. This subject, he said, had been under the consideration of the British Government. Should she subject American ships to alien duties; should she impose

MARCH, 1794.]

Commerce of the United States.

[H. OF R.]

duties on our rice and tobacco and such other articles as she can procure from other countries, and on her own products exported in our bottoms; and, should she at the same time counteract our duties by bounties; their bounties may be so given as completely to balance our duties, and their duties, of course, a direct charge upon us—a charge on our exports, for the reasons he had already mentioned, depreciating their value—a charge on our imports to be satisfied by the labor and industry of the country. These would be the salutary effects of this blessed system, so far as the trade should continue under the load of these oppressive burdens. If the commercial intercourse between America and Great Britain should be destroyed by this system of expensive irritation, the evils were obvious, both as they would affect the ease and prosperity of our people, and the preservation of the public credit. He had called the present channels of commerce, the natural ones—there would, he said, be found sufficient reason for the appellation, without entering into an extensive investigation of the subject, in this one observation; that the present state of our trade is produced by counting-house calculations having interest alone for their object.

It had been said, that a great part of our imports consisted of the mere articles of luxury. This was undoubtedly true, but luxurious enjoyments could not be prevented, unless we would introduce the manners of Sparta, and continue them by the institutions and laws of Lyeurgus. The passion for distinction could not be controlled nor would it be eligible, if it could. If, then, said he, we will use Madeira wine and green tea—if we will wear silks, cambries, muslins, and other succedanea of the fig-leaf, why should we not be permitted to obtain them when they can best be had, of the best quality and on the best terms; or do gentlemen suppose our constituents will acknowledge obligations for being compelled to procure them of inferior quality and on worse terms?

Gentlemen had given countenance to this project under an idea that it would encourage manufactures and the carrying trade; to his mind was preposterous. He had always supposed that to establish manufactures, our active capital must be increased; and to encourage navigation, our trade must be extended. How this measure which would lessen our active capital by the embarrassment it would create, could afford the means of establishing manufactures and building ships, to his mind was perfectly unaccountable. He asked if it had not been demonstrated that the measure would tend to enhance the price of the commodities which we wanted to purchase, and decrease the price of the products of our country. It had, indeed, been conceded, that these effects were unavoidable, and yet these were the means whereby we were to extend our manufactures and navigation. Should, however, these effects result, he asked if we could feel ourselves justified in sacrificing to the encouragement of a few ship-carpenters and other mechanics, the ease and comfort of that most useful and respectable description of men, the farmer and planter? One more observation he said he would make on this head, that any

measure which might oppress the community, would be felt first and most severely by the poorer class of people.

Before the subject was dismissed it ought to be viewed in a light in which it was shown in the most baneful colors; its tendency to war and all its dreadful consequences. As the guardians of the public happiness, we ought to avoid any measure which tended to this, if it could be done consistent with the interest of our country. He laid it down as a principle that every action had its character determined by the motives which gave it birth. What motives then originated this measure? Were they of a commercial, or political nature? Had Great Britain inflicted any commercial injuries on this country? Had she not calculated her regulations on the same principle of all other nations—her own interest? Had she discriminated against us? Did not the details clearly show that her regulations were as favorable to this as to other countries? And did not an infinitely more stubborn fact, the existing state of our trade, undeniably prove hers to be our best markets?

If, then, these measures are not justified on commercial considerations, will the nation towards whom they are directed, be at a loss to determine our true motives? If doubts could otherwise exist, recourse to the printed debates would remove it. There we find our negroes carried off; the Western posts, the savages, Algerines, and instructions to the commanders of ships, the constant theme of animated declamation. We know too well the correctness of gentlemen's understandings not to be assured that these subjects would not be so frequently repeated, if they were not designed to have effect. These were not commercial, but political considerations. If, then, the measure could not be—if it was not justified on commercial, but political ground—if it was not designed to retaliate for commercial, but for political injuries; it followed irresistibly, that the measure assumed the complexion of hostility. He did not mean to suggest an idea but that the injuries complained of might justify hostile retaliation; but he would affirm, if this measure was designed as such, it was infinitely too feeble, and would certainly prove ineffectual. If war was really the intention, it was our duty boldly to declare it, and, like men, prepare for the event and not involve our country in blood under the disguised pretence of our commercial regulations. If we found motives for our conduct in antipathy to one nation, and in gratitude and affection to another, and that this was the case, he appealed to the printed debates and to the faithful monitors of gentlemen—would it be supposed that Great Britain would not understand, resent, and endeavor to revenge it? Great Britain, he said, was involved in a war, whether just or not, the Government of this country had no right to determine—just or not, we had reason to believe it was popular. While she was pursuing this war, we complaining of injuries, and stimulated by a sense of them, adopt measures of retaliation, declaredly intended to produce embarrassments of such a nature as to induce her to

change a course of conduct she has pursued for ages, and to which, in her opinion, she is principally indebted for her progressive prosperity. If serious embarrassments are not to be expected, then ought the measure to be abandoned, because it would not produce the intended effect, and because it would confessedly be injurious to us.

Should it produce the embarrassments foretold, it will materially affect those resources on which she depends for the prosecution of a favorite war. Should she feel those measures as intended, would it not kindle resentment? Would she not discover the cause? And would she not feel perfect self-justification in using all the means in her power to revenge our partiality?

The evil, he said, would not end here. Great Britain was an important ally, and on her resources the Combined Powers materially depended for the prosecution of the war. A war waged with as much enmity as had provoked hostility at any period of the existence of civilized Europe. Should we strike at those resources, and from motives they will doubtless comprehend, would they tamely submit to such conduct; would they not resent and endeavor to revenge it? I will repeat, said he, that if your measures do not materially embarrass Great Britain, and in a considerable degree destroy her resources, then will your expectations be disappointed, and the end you propose defeated, and you only accumulate distress on your own citizens. If the embarrassments you intend shall result from your measures, then do you, in fact, take part in the war; you will, therefore, provoke the vengeance of the nation against whom your measures are directed, and of her allies.

To show the natural effects of commercial regulations pointed against nations to produce hostility, he mentioned the war which took place between Great Britain and Holland, in 1652, occasioned by the Navigation Act of the former; and that of 1672, between the French and Dutch, in consequence of the duties imposed by the former on linen, and by the latter on wine. There was, he said, peculiar reason for expecting such an event in the present instance, for, by the treaty between Great Britain and Spain, it was expressly stipulated: "if either shall be attacked, molested, or inquired, in any of their States, rights, possessions, or interests," it is then to be made common cause.

This, he said, was not all, our real views would be known to our constituents. They are, said he, a wise and penetrating people, and will never consent to be dragged to the carnage of war, under a pretence of commercial regulations. Their honest candor will abhor and detest all covert and crooked politics. He did not mean to charge gentlemen with unworthy motives. He could not, however, avoid declaring the comment which in his opinion would be made, on experience of the fatal events which would result from the adoption of the proposed system—a system incapable of benefit to the community and pregnant with enormous evils.

He said, before he dismissed this part of the

subject, he would submit one observation to the consideration of the Committee. It was, that the navigation and manufactures of the United States, had, in a few years past, increased with a rapidity equal to the expectation of the most sanguine friend of this country. That this had resulted from the existing systems. That he believed it to be true, that, at this moment, as great a portion of our capital was invested in those branches as was consistent with the general welfare. Under such circumstances it became the Legislature cautiously to adopt measures, which might distract the present salutary order of things.

Mr. CLARK rose to answer an objection which had fallen in the course of the debate. It was said, that the resolutions would tend to burden the poorer classes of citizens. The additional duties, he imagined, were only intended to be laid on the finer goods; and coarse cloths, &c., would still remain at the old prices.

Mr. LYMAN said the discussion of this question has already engrossed much time. It has been postponed. I was in favor of a postponement, because I then thought, and I now think, the House is not in possession of all the information and promises necessary to guide their determination on all the resolutions proposed. It was then said, that although we had aggravated complaints against Great Britain, she could not be so infuriated as not to render justice; that those injuries were in a train of negotiation, and that it would be rashness and folly to interrupt them. I confess, sir, that this reasoning had its weight with me; but the case now assumes a different face. Is there any gentleman that still doubts of the hostile and mad intentions of that nation? Their aggressions have increased; they meditate still more, and have denied us in an unequivocal manner any compensation; they have added insult to injury. I do not say these things with a view to fire the public mind to resentment—that is already done to such a degree as to want the rather to be delayed and given a proper direction. But it has been said, that instead of that firm front of defence which the danger of our situation requires, these resolutions are impotent and trifling—mere *pap*. I cannot think this language is complimentary to the understandings of either the community, or this House, or even the gentlemen themselves, who so zealously oppose them. If they are insignificant, as the gentlemen declare, they ought wholly to be disregarded. But, sir, they are not insignificant; they present us with a part, at least, of a just and temperate defence against a nation that with unaccountable enmity plunders and insults us. If they are insignificant, I am content to be undeceived, as not comprehending them. I do not intend at this time to go into a minute consideration of the general nature of the resolutions; that has already been done, and I am convinced, and cannot be afraid to hazard my opinion to the public, that it is founded in immutable natural principles that will stand the test of time. There cannot be a plainer axiom than reciprocity of advantages in navigation and commerce. It is for our interest to counteract the commercial regulations of other

MARCH, 1794.]

Commerce of the United States.

[H. OF R.]

nations by those of our own; to repel their fabrics and manufactures from our country, and to replace them with our own. We have both the right and the power to do it. These are truths that have been always acknowledged in this country. Conviction of their importance was one among the causes which produced the present Constitution. We have hitherto forborne the exercise of this right. I do not pretend to arraign the motives, I believe they were good; because, sir, I recollect that our commerce and navigation for past years hath been prosperous, although owing, perhaps, less to permanent than adventitious causes; to the same causes, possibly, which now conspire to oppress and despoil it, and threaten its total dissolution. Was this not the case, I could have been content, nay, I would have preferred still further forbearance; but the evils are alarming; something is unavoidably necessary to be done; and, as no gentleman proposes any substitute for the present system contemplated, I find myself compelled to endeavor to make the best of this, with a firm reliance and persuasion that it will promote the peace and prosperity of our country; for I do not think anything we shall do will have a tendency to make Great Britain less hostile or more friendly. She has already convinced us that we cannot expect anything from her moderation and justice; and I hope we shall have nothing further to fear from her force. I hope and believe this measure will attack and increase the number of our friends, and diminish and confound our enemies; for I can by no means subscribe to the doctrine, that a national character is wholly abstracted from all sensation of benevolence, gratitude, humanity—virtues that so highly adorn individual character. These, sir, are my impressions—the result of a cautious and even anxious investigation, in which I have endeavored not to be transported by either passion or prejudice, but to obey the calm dictates of my understanding, with that independence and steadiness which is indispensable.

Mr. AMES began with remarking that the additional duties were intended, he believed, to operate generally, and that their operation would fall on the middling classes of the people. But the resolution would also affect our exports, and, in this view, injure our cutlers of timber, makers of potash, and farmers in general would feel their operation deeply—all this for the advantage of our ship-owners. If the resolutions cannot now be termed trifling, then, indeed, he had mistaken their true character. In a moment of danger, when our commerce is nearly annihilated, it is trifling to talk of regulating it, when we should attend to our defence only. When brought forward they had an alarming appearance—negotiations were pending. We should always say peace to the last extremity; and, if war threatens, strain every sinew to prepare for it. The resolutions say nothing—they say worse than nothing; they are built on partiality for one nation—they have French stamped on the very face of them. If we feel that the English have injured us, let us put the country in a state of defence; the resolutions

can do nothing towards this. It is folly to think of regulating a commerce that calls first for protection, and to encourage the increase of navigation when what shipping we have is in jeopardy.

At this stage, the Committee rose and had leave to sit again.

CLEARING THE GALLERIES.

Resolved, That it be a Standing Rule and Order of this House, in case of any disturbance or disorderly conduct in the Gallery or Lobby, that the SPEAKER, (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

MONDAY, March 17.

The memorial of Benjamin Bankson, a clerk in the Department of State, and Philip Audebert, a clerk in the Department of War, was presented to the House and read, praying that they may receive such compensation, in addition to the salaries allowed them by law, as may be deemed equitable and proper to reimburse them for extraordinary expenses incurred while they continued, at the hazard of their lives, in the discharge of their official duties, during the late calamity in the city of Philadelphia. Also the petition of Joseph Parker and Benjamin Betterton, clerks in the office of the Accountant to the War Department, to the same effect. Also, a petition of James Bingham and others, gaugers for the district of New York, stating the insufficiency of the fees and other emoluments allowed them by law, and praying that the same may be increased, and rendered more adequate to their services.

Ordered, That the said petitions be referred to Mr. FINDLEY, Mr. SWIFT, Mr. VAN ALLEN, Mr. CADWALADER, and Mr. CHRISTIE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Michael Trappal, of Newark, in the State of New Jersey, was presented to the House and read, praying that an additional duty may be imposed on the importation of hosiery from foreign countries, or such other encouragement given to the establishment of stocking manufactories within the United States as to the wisdom of Congress shall seem meet.

Ordered, That the said petition do lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his reports on sundry petitions; which were read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to provide for the defence of certain ports and harbors in the United States," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; and, the same being read, were agreed to.

The bill sent from the Senate, entitled "An act allowing to Major General Lafayette his pay and

H. OF R.]

Proceedings.

[MARCH, 1794.]

emoluments while in the service of the United States," was read twice and committed.

The SPEAKER laid before the House a report from the Secretary of the Treasury on the petition of Richard Wade and others, pilots of Ocracock bar, in the State of North Carolina; which was read, and ordered to lie on the table.

Mr. COIT, from the committee appointed to inquire into the expediency of fixing buoys on certain rocks lying off the harbor of New London, in the State of Connecticut, and in Providence river, in the State of Rhode Island, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to provide for the erecting and repairing of magazines and arsenals, and for other purposes; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

Mr. WATTS, from the committee to whom were referred the memorials and petitions of the manufacturers of paint, in the towns of Baltimore and Alexandria; of the dealers in oil and painters' colors; of Thomas Pearsall and Elijah Pell; of Thomas Perkins & Co.; of Samuel Swann; of Thomas F. Walley and others; of McClellan, McGregor & Co.; of John Amelung and others; of Josiah G. Pierson; of the manufacturers of hats in the States of New York, Pennsylvania, Delaware, and Virginia; and of Bradley & Mix, made a report, which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment; and, the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, but come to no resolution thereupon.

TUESDAY, March 18.

An engrossed bill to provide for the erecting and repairing of arsenals and magazines, and for other purposes, was read the third time and passed.

A memorial of Levi Hollingsworth and others, proprietors of iron works in the State of Pennsylvania, was presented to the House and read, praying that the present duty imposed by law on the importation of bar and cast iron, from foreign

countries, may be continued, or such encouragement given to the erecting and improving furnaces and forges for manufacturing the said article within the United States as to the wisdom of Congress shall seem meet. *Ordered to lie*.

On motion, it was

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the PRESIDENT of the UNITED STATES be authorized to employ, as despatch boats, such of the revenue cutters of the United States as the public exigencies may require.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The following Message was received from the PRESIDENT of the UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The Minister Plenipotentiary of the French Republic having requested an advance of money, I transmit to Congress certain documents relative to that subject.

G. WASHINGTON.

UNITED STATES, March 18, 1794.

The said Message and papers were read, and ordered to be committed to Mr. WILLIAM SMITH, Mr. AMES, Mr. HILLHOUSE, Mr. VENABLE, and Mr. SHERBURNE.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, but come to no resolution thereupon.

WEDNESDAY, March 19.

Ordered, That a committee be appointed to inquire whether any, and what, alterations are necessary to be made in the act entitled "An act to enable the officers and soldiers of the Virginia Line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota;" and that Mr. HEATH, Mr. NEVLE, and Mr. ORR, be the said committee.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to provide a Naval Armament," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; and, the same being read, were agreed to.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, but come to no resolution thereupon.

THURSDAY, March 20.

A memorial of Lewis Garanger, in behalf of himself and his brother, Charles Garanger, was

MARCH, 1794.]

Proceedings.

[H. OF R.]

presented to the House and read, praying the aid and patronage of Congress in the completion of certain experiments of the memorialists, for the establishment of military manufactories, for improvements in the arms already used, and for the adoption of such others as may be necessary for the service of the United States.

Ordered, That the said memorial be referred to Mr. HARTLEY, Mr. DAYTON, and Mr. SAMUEL SMITH; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House proceeded to consider the report of the committee to whom were referred the petitions of the clerks in several of the Executive Departments of Government, which lay on the table: Whereupon, the latter part of the said report being read, in the words following, to wit:

"That the prayer of the petition of George Taylor is reasonable, and that, as a further compensation for the duties of his office, he ought to be allowed — dollars for each patent for Useful Arts, &c., issuing from the Department of State, out of the fees paid for such patent: *Provided*, That the whole of such allowance shall not exceed — dollars annually."

"That the prayer of the petition of Andrew Graydon is reasonable, and that his salary ought to be made the same with that allowed to other chief clerks:" was, on the question put thereupon, agreed to by the House.

Ordered, That such other parts of the said report as relate to the petitions of the other clerks in the Treasury and War Departments and in the Loan Office of the State of New York, be recommended to Mr. FINDLEY, Mr. SWIFT, Mr. VAN ALLEN, Mr. CADWALADER, and Mr. CHRISTIE.

The House proceeded to consider the report of the committee appointed to inquire into the expediency of fixing buoys on certain rocks lying off the harbor of New London, in the State of Connecticut, and in Providence river, in the State of Rhode Island: Whereupon,

Resolved, That the Secretary of the Treasury be authorized and directed to cause to be fixed on the rocks called Blackledge, or Southwest Ledge, Goshen Reef, Bartlet's Reef, and Race Rock, off the harbor of New London, in the State of Connecticut, four buoys, at an expense not to exceed twelve hundred dollars; and to fix buoys in Providence river, not exceeding ten in number, in such places as he may judge most expedient, and at an expense not to exceed the sum of five hundred dollars.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. CORR, Mr. BENJAMIN BOURNE, and Mr. COBB, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Stephen Pararque; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Ordered, That a committee be appointed to

prepare and bring in a bill or bills to encourage the recruiting service; and that Mr. IRVINE, Mr. COBB, and Mr. SAMUEL SMITH, be the said committee.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act for the remission of the duties on certain distilled spirits destroyed by fire;" to which they desire the concurrence of this House.

FRIDAY, March 21.

An engrossed bill for the relief of Stephen Pararque was read the third time and passed.

A petition of Jonathan Jenkins, of the county of Nantucket, in the State of Massachusetts, was presented to the House and read, praying a repeal of certain letters patent granted to Benjamin Folger, of the city of Hudson, in the State of New York, as the original discoverer of the art of separating the gross matter contained in common whale oil, and afterwards rendering such gross matter fit for candles; which letters patent have been obtained by the said Benjamin Folger surreptitiously, and from false suggestions.

Ordered, That the said petition be referred to Mr. COFFIN, Mr. HOLTEN, and Mr. MURRAY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The bill sent from the Senate, entitled "An act for the remission of the duties on certain distilled spirits destroyed by fire," was read twice and committed.

Mr. CORR, from the committee appointed, presented a bill to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river; which was read twice and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for the relief of Robert King; and that Mr. HARTLEY, Mr. THATCHER, and Mr. CADWALADER, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act allowing to Major General LAFAYETTE his pay and emoluments while in the service of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time and passed.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments: Whereupon, the first amendment being read, in the words following, to wit: Section 1, strike out the words "States South of the

river Potomac," and insert "Middle and Southern States."

Resolved, That this House doth disagree to the said amendment.

Resolved, That a conference be desired with the Senate on the subject-matter of all the amendments proposed to the said bill; and that Mr. HARTLEY, Mr. IRVINE, and Mr. DEARBORN, be appointed managers at the said conference on the part of this House.

Mr. BOUDINOT, from the committee appointed to report whether any, and what alterations or amendments are, in their opinion, necessary to the act entitled "An act to regulate the claims to Invalid Pensions," made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, but come to no resolution thereupon.

Ordered, That the Committee of the Whole House, to whom was committed the bill to establish the Post Office and Post Roads within the United States, be discharged from the further consideration of the same; and that the said bill be recommitted to Mr. SEDGWICK, Mr. TRACY, Mr. GLENN, Mr. CLARK, Mr. FITZSIMONS, Mr. DENT, Mr. WALKER, Mr. McDOWELL, Mr. HUNTER, and Mr. DEARBORN.

MONDAY, March 24.

JOHN FRANCIS MERCER, from Maryland, appeared, produced his credentials, and took his seat.

An engrossed bill to provide for placing buoys on certain rocks off the Harbor of New London, and in Providence river, was read the third time and passed.

A memorial of sundry inhabitants of the town of Salem, in the State of Massachusetts, was presented to the House and read, praying that Congress will adopt such measures as, in their wisdom, may be deemed the most expedient and effectual to obtain redress for the vexations and spoliation committed on the commerce of the United States by the subjects of Great Britain, under the authority of that Government, as well by the subjects and citizens of other foreign countries. Also, a memorial of sundry citizens of the State of South Carolina, to the same effect.

Ordered, That the said memorials be referred to the Committee of the Whole House on the state of the Union.

Mr. COBB, from the committee appointed to report whether any, and what, alterations are, in their opinion, necessary to the act entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman re-

ported that the Committee had had the state of the Union under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That measures ought to be immediately taken to render the force of the United States more efficient.

Ordered, That the said resolution be committed to Mr. SEDGWICK, Mr. DEARBORN, Mr. JEREMIAH WADSWORTH, Mr. DAYTON, Mr. IRVINE, Mr. MERCER, Mr. PARKER, Mr. LOCKE, and Mr. PICKENS.

A motion being made and seconded that the House do come to the following resolutions:

Resolved, That a select corps of militia be enrolled in the United States; that all freemen capable of bearing arms, from the age of — to —, compose a select militia; and that they be armed and accoutred at the general expense.

Resolved, That the several States shall officer the select militia aforesaid, either out of the officers of the militia now commissioned, or such other persons as they may think proper.

Resolved, That the said select militia be called together as often as may be directed by the Legislatures of the several States, not exceeding — days in one year; and, for the time they are so called out, they shall receive the same pay and rations as the troops of the United States.

Resolved, That, in case of invasion or insurrection, the President of the United States shall have the power to call into actual service such portion or portions of the select militia as may be deemed necessary for the common defence.

Resolved, That no select militia man shall be called into actual service for more than one year."

Ordered, That the said motion be committed to the committee last appointed.

The House resolved itself into a Committee of the Whole House on the bill transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensions to the Attorney of the said District; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. IRVINE, from the committee appointed, presented a bill to encourage the recruiting service; which was twice read, and committed.

TUESDAY, March 25.

An engrossed bill transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensions, to the Attorney of the said District, was read the third time, and passed.

A memorial of sundry merchants in the towns of Norfolk and Portsmouth, in the State of Virginia, whose names are thereunto subscribed, was presented to the House and read, praying an extension of the term of credit allowed by law for

MARCH, 1794.]

Proceedings.

[H. OF R.]

the payment of the duties imposed on articles the growth or manufacture of the West India Islands, imported into the United States.

Ordered, That the said memorial be referred to the committee appointed to report whether any, and what, alterations or amendments are, in their opinion, necessary to the act, entitled "An act to regulate the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That the petitions of Thomas Garney and others, fishermen, employed in the fishing trade in the town of Marblehead, in the State of Massachusetts; and of William Knight and others, owners of fishing vessels, employed in the said town of Marblehead, which lay on the table, be referred to Mr. LYMAN, Mr. WINGATE, and Mr. HOLTEN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The two Letters which I now forward to Congress, were written by a Consul of the United States, and contain information which will probably be thought to require some pecuniary provision.

G. WASHINGTON.

UNITED STATES, March 25, 1794.

The said Message and papers were read, and ordered to be referred to Mr. LEE, Mr. KITTERA, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House, that the Senate have agreed to the conference desired by this House, on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes;" and have appointed managers at the said conference on their part. The Senate have also passed a bill, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place for holding a session of Congress."

On a motion made and seconded, that the House do come to the following resolution:

Resolved, That provision be made by law to prohibit, for a term not exceeding — days, all trade from the United States to the American Territories, or dependencies of any European nation.

"To prohibit, for a like term, the exportation of all articles, the growth or product of the West Indies, out of the United States; and to provide that no ship or vessel be cleared out from any port or district within the United States, till bonds, with sufficient surety, be given to the proper officer of the Customs, in a sum equal to the whole value of the cargo on board such ship or vessel, conditioned that the same shall not be landed at any of the places prohibited by law; and that certifi-

cates of the landing at some other place be produced in a given time.

"That the President of the United States be authorized to take off the said prohibitions, if the Legislature shall not be in session; and that he be further authorized, at any time during their next recess, to lay an embargo on the ships or vessels of the United States, or on any foreign ships or vessels in the ports or harbors of the United States, or both; and to prohibit the exportation of any of the products of the United States, or of any other goods, wares, or merchandise, to such Kingdom or Country as he may judge necessary: *Provided*, That such embargo shall not continue for a longer term than — at any one time."

Ordered, That the said resolution be committed to a Committee of the Whole House immediately.

The House, accordingly, resolved itself into a Committee of the Whole House on the said resolution; and, after some time spent therein, the Chairman reported that the Committee had had the said resolution under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

And then the said resolution, being further amended at the Clerk's table, was, on the question put thereupon, agreed to by the House, as follows:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That an embargo be laid on all ships and vessels in the ports of the United States bound to any foreign port or place, for the term of thirty days, and that no clearances be furnished during that time to any ship or vessel bound to such foreign port or place, except ships or vessels under the immediate directions of the President of the United States; and that the President of the United States be authorized to give such instructions to the Revenue Officers of the United States, as shall appear best adapted for carrying the said resolution into full effect."

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

Resolved, That a committee be appointed to examine and report a state of facts, with their opinion thereupon, relative to a settlement made by the State of North Carolina, for certain claims against the United States, and paid by her to individuals of that State, which it is suggested would have been allowed under the act of the twenty-seventh of March, one thousand seven hundred and ninety-one, entitled "An act providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established," if they had been presented by the individuals themselves.

Ordered, That Mr. HILLHOUSE, Mr. BLOUNT, and Mr. IRVINE, be a committee, pursuant to the said resolution.

WEDNESDAY, March 26.

The bill sent from the Senate, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place of holding a session of Congress," was read twice, and

H. of R.]

Public Credit.

[MARCH, 1794.]

committed to a committee of the Whole House immediately.

The House resolved itself into the said Committee; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time and passed.

Mr. TRACY, from the committee to whom was recommended the bill to establish the Post Office and Post Roads within the United States, reported an amendatory bill; which was twice read, and committed.

A message from the Senate informed the House, that the Senate have agreed to the resolution of this House for laying an embargo on all ships or vessels in the ports of the United States, bound to any foreign port or place, for the term of thirty days, with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being read, was agreed to.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," with several amendments; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the bill making certain alterations in the act for establishing the Judicial Courts of the United States, and altering the time and place of holding certain Courts; and, after some time spent therein, the Committee rose and reported progress.

Mr. LEE, from the committee to whom was referred the Message from the PRESIDENT of the UNITED STATES, of the twenty-fifth instant, enclosing two Letters from Fulwar Skipwith, Consul of the United States at Martinique, made a report; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to bring in a bill for continuing and regulating embargoes in the United States, and that Mr. DEXTER, Mr. MURRAY, and Mr. GOODRUE, be the said committee.

Mr. HEATH, from the committee appointed to inquire whether any, and what, alterations or amendments are, in their opinion, necessary to the act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota," made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

PUBLIC CREDIT.

Resolved, That a committee, consisting of fifteen members, be appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit; and if further revenues are necessary, to report the ways and means:

And a committee was appointed, of Mr. WIL-

LIAM SMITH, Mr. BENJAMIN BOURNE, Mr. GROVE, Mr. OKR, Mr. MADISON, Mr. BALDWIN, Mr. CHRISTIE, Mr. FITZSIMONS, Mr. BOUDINOT, Mr. WATTS, Mr. TRACY, Mr. ISRAEL SMITH, Mr. AMES, Mr. GILMAN, and Mr. LATIMER.

[In the debate on the above resolution, Mr. PAGE objected to such application, as being more exceptionable than even a direct call on the Secretary for a report on the Ways and Means, according to a former practice of the House; for, although he looked upon such application (and more than once had told the House so) as unconstitutional—being in fact a call on the Executive to originate a subject which the Constitution forbids even the Senate to originate—and viewed it as an abandonment of the trust reposed in that House by the Constitution; and as establishing a dangerous precedent, which might, in time, render the very existence of that House unnecessary; since it might appear, that an officer appointed by the PRESIDENT, with the consent of the Senate, and removable by the PRESIDENT alone, had done all the essential business of the House of Representatives; notwithstanding I view such application to the Secretary in this light, said he, I had rather it should be made by the House than by a committee directed to receive it; for, if the Secretary's Report be laid before this House in the first instance, it may be supposed to meet with that unbiassed examination, which gentlemen tell us this House is capable of giving it; but if it is to be ushered in, with the solemnity of such a respectable introduction as that which a committee of fifteen members must give it; and is also to be supported by the vote and recommendation of that committee, which, too, from the Parliamentary usage of opponents of the committees, ought to be composed of members who had moved for, and supported the motion for calling on the Secretary for his opinion, (and members have already declared, that they look upon him as the only person qualified to direct their judgment in a question concerning finance,) it must be evident that every objection which has ever been made to receiving such reports from the Secretary of the Treasury must be doubly increased. If we have found it extremely difficult to get rid of some of his ways and means, when unaided by a committee, much more difficulty should we have to encounter, if it should be necessary to attack those plans when aided by their powerful support. I wish to leave our committee to the exercise of their own unbiassed judgments; and trust, if they should want information, they will know where to apply for it; and I have no doubt that the Secretary of the Treasury will furnish such as they may think proper to ask for; but, as for his systems of finance, it is enough that he is authorized by the law, (so often appealed to,) to prepare and lay them before Congress; but it is too much to require of him to do that which is the Constitutional business of this House; especially, too, when so much has already been required of him: leave him at liberty to attend fully to the inquiries which your other committee has been directed to call for. I confess, sir, I never discovered any

MARCH, 1794.]

National Defence.

[H. OF R.]

advantages which could be derived from any of his Reports to this House, as to systems of finance, or of Ways and Means; indeed, those of the former which we have adopted, were unnecessarily complicated, and by no means adapted to the genius and interest of our infant Republic; and, perhaps, some of the latter were as exceptionable. When applied to, at the last session, for the means of raising about forty thousand dollars, the Secretary reported, that it was necessary to lay a tax of one dollar on every wheel of certain carriages, and the same tax on certain horses; and extraordinary as this proposition was, but for a circumstance which interrupted the subject, it was in a fair way of being pressed upon the House, instead of recommending an additional tonnage, or a sale of lands belonging to the United States—a sure and adequate resource—the most obvious means of raising, not only that sum, but almost any sum we can want. The Secretary resorted, to the astonishment of many of our constituents, to the strange means just mentioned. Sir, I think that, without the Secretary's assistance, the committee may, in a single day, devise the necessary ways and means. But, if that all-wise, only skillful financier, must be resorted to, let us call for his aid, let us receive his report here, and not say, that it is from a spirit of accommodation, now proposed, that our committee shall call for one, and lay it before this House—for this mode of introducing a report, of such a nature, surely cannot be called accommodating it to the wishes of those who object to such reports, when unaided by the influence and weight of a committee.]

THURSDAY, March 27.

A memorial of sundry merchants, mariners, and others, citizens of the towns of Norfolk and Portsmouth, and of the county of Norfolk, in the State of Virginia, was presented to the House and read, praying that Congress will adopt such measures as, in their wisdom, may be deemed most expedient and effectual to obtain redress for the vexations and spoliations committed on the commerce of the United States, by the subjects of Great Britain, under the authority of that Government, and by the citizens and subjects of other foreign countries.

Ordered, That the said memorial be committed to a Committee of the Whole House on the State of the Union.

Mr. HARTLEY, from the managers appointed on the part of this House to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," made a report. Whereupon,

Resolved, That, instead of the amendments proposed by the Senate to the first section of the said bill, the said first section be amended, by striking out from the word "stores," in the second line, to the word "Provided," in the eighth line, and inserting, in lieu thereof, the words following, to

wit: "There shall be established, under the direction of the PRESIDENT of the UNITED STATES, three or four arsenals, with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States; either or both of the arsenals heretofore used at Springfield and Carlisle to be continued as part of the said number, at his discretion."

Resolved, That this House doth disagree to the amendments to the third and sixth sections of the said bill.

Resolved, That this House doth agree to all the other amendments to the said bill.

NATIONAL DEFENCE.

Mr. SEDGWICK, from the committee to whom it was referred to report the means of rendering the force of the United States more efficient, made a report; which was read, and ordered to be committed to a Committee of the Whole on the State of the Union.

The report is as follows:

The Committee to whom it was referred to report the means of rendering the force of the United States more efficient, after mature and deliberate consideration, have unanimously agreed to report to the House the following resolutions as proper to be adopted:

1. *Resolved*, That effectual measures ought to be adopted to complete the present Military Establishment of the United States, and that provision ought to be made that the same may be kept full.

2. *Resolved*, That an additional corps of artillery, not to exceed eight hundred men, officers included, and also including one Chief and four Assistant Engineers, ought to be raised, for garrisoning the fortifications which are, or may be, erected for the defence of the sea coasts.

3. *Resolved*, That the President be authorized and empowered to call on the Executives of the several States to take effectual measures, as soon as may be, to organize and hold in readiness to march, at a moment's warning, eighty thousand effective Militia, (officers included,) to be apportioned to the States, respectively, in proportion to the whole number of white inhabitants, that is to say—

Georgia	-	-	-	1,333
South Carolina	-	-	-	2,550
North Carolina	-	-	-	7,331
Kentucky	-	-	-	1,532
Virginia	-	-	-	11,877
Maryland	-	-	-	5,418
Delaware	-	-	-	1,256
Pennsylvania	-	-	-	10,768
New Jersey	-	-	-	4,318
New York	-	-	-	7,971
Vermont	-	-	-	2,129
Connecticut	-	-	-	5,881
Rhode Island	-	-	-	1,697
Massachusetts	-	-	-	11,865
New Hampshire	-	-	-	3,544
Total	-	-	-	80,000

Which detachment of Militia shall be officered out of the present Militia officers, or others, at the option and discretion of the Constitutional authority of the States, respectively.

4. *Resolved*, That any independent corps of cavalry,

H. of R.]

Sequestration of British Debts.

[MARCH, 1794.]

artillery, or infantry, may be accepted as part of the said detachment of Militia, provided they shall voluntarily engage, and provided the same shall be deemed eligible by the President.

5. *Resolved*, That the President be desired to request the Executives of the several States to take effectual care that the men detached as aforesaid be armed and equipped according to law.

6. *Resolved*, That provision ought to be made, by law, for organizing and raising a military force, under the authority of the Government of the United States, to consist of — rank and file, with the proper officers, to serve for the term of — years, or during a war which may break out between the United States and any foreign European Power; and that the President be authorized to take the measures necessary for raising the same: *Provided*, That no such measures be taken by the Executive until war shall be actually commenced between the United States and some foreign European Power.

SEQUESTRATION OF BRITISH DEBTS.

Mr. DAYTON submitted the following resolutions:

"*Resolved*, That provision ought to be made, by law, for the sequestration of all the debts due from the citizens of the United States to the subjects of the King of Great Britain.

"*Resolved*, That provision ought, in like manner, to be made for securing the payment of all such debts into the Treasury of the United States, there to be held as a pledge for the indemnification of such of the citizens of the said States as shall have suffered from the ships of war, privateers, or from any person, or description of persons, acting under the commission or authority of the British King, in controvention of the Law of Nations, and in violation of the rights of neutrality.

Ordered, That the said resolutions be committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into said Committee.

Mr. DAYTON then rose in support of his propositions. When he brought them forward he did not accompany them, (he said,) with many observations, because he was then laboring under indisposition. The same cause would render him very concise now.

The injuries and insults we have suffered from Great Britain, he conceived, need not be dwelt upon. They are well known, and it is universally acknowledged that we ought to adopt such measures as would screen us from a repetition of them, and secure to us reparation. The resolutions he had brought forward he intended as part of that system of defence and preservation, other portions of which had already received the sanction of the House. These resolutions, he conceived, would not be the least efficient part of that system.

He believed that, when the conduct of Great Britain is reviewed, it would be found that it is treating their subjects with great lenity to speak of sequestration only; we should be warranted in confiscating, for they have subjected our property to condemnation, without an appearance of an intention to indemnify.

As to restitution of the property of which we

have been plundered on the high seas, it is impossible. It is condemned, sold, and scattered, and no hope can be entertained that they intend to indemnify our suffering citizens. If it had been their intention to indemnify, their Court, in explanation of the instruction of the 6th of November, would not have given orders to condemn vessels detained in suspense in the West Indies until that elucidation was received.

Since, then, restitution is impossible, and not a shadow of hope exists that indemnification will be granted; we have only to determine whether we shall give up the property of which we have been plundered, or claim it with effect—claim it, and enforce the claim, by showing that we have the means of retaliation within our power.

After the proceedings of the British towards us, he believed, we should have been warranted in confiscating the property now proposed to be sequestered, without negotiation. This would have been meting to them as they meted to us. If sequestration is hostility, as he had heard it called, what, he asked, is condemnation? Besides, they have impressed American citizens into their service. We have reason to believe, (he concluded by remarking,) from the negotiation of our Minister with Lord Grenville, from private information on the tables of Congress, and from the conduct of some of their officers high in command, that to make war on us is part of their system.

Mr. S. SMITH said he always had wished for peace, as the first desideratum. With this view, agreeably to the wise recommendation of the President, he agreed to those measures calculated to put the country in a posture of defence. This was the best mode of securing peace. With the same view, he proposed an embargo to be laid, which would have drawn to our ports the remainder of our maritime possessions, and have left them no longer within the grasp of a nation whose only rule of right is the measure of her power. He still wished, as long as a shadow of hope exists, to secure the blessings of peace. With the resolutions now offered, he was of opinion that we might yet have peace; but, without them, we shall certainly have war. They will arrest twenty millions of dollars in our hands, as a fund to reimburse the three or four millions which we have been stripped of by that piratical nation, Great Britain, according to the instructions of that King of Sea Robbers—that Leviathan, which aims at swallowing all that floats on the ocean—that monster, whose only law is power, and who neither respects the rights of nations nor the property of individuals! This character the nation he had mentioned had long deserved. Many proofs might be cited in support of the assertion. He would only refer to their conduct at St. Eustatia, when they robbed their allies, the Dutch, and their Generals and Admirals turned vendue-masters, and conducted the plundering, to collect rewards for their exploits. Is it from such a nation (he asked) that we are to hope for justice? They know not what justice is. It is said that they showed their love of justice when they so liberally compensated the Tories after their war with us. Though they de-

MARCH, 1794.]

Sequestration of British Debts.

[H. OF R.]

spise traitors, yet self-interest will lead them to reward the treachery, to encourage a principle which may again be useful to them. Self-interest, then, and not justice, actuated them on that as on every other occasion.

Let us pass the resolutions, then send an Envoy to Great Britain, and we shall have peace. We shall then be able to speak to them of their interest. But if war should be the inevitable issue, Americans, he was sure, would meet it like men, rather than submit to insult and suffer the honor of the country to be prostrated.

If we were able, while in infancy as a nation, to assert our rights, will it be said, that, now we have arrived at a state of manhood, we shall fear them? No! Our young men burn for an opportunity to defend the liberty, rights, and property of their country. They will step out as one, and meet the event like men.

He read a quotation from *Vattel*, to show that a nation has a right to pay her citizens for losses inflicted by another nation, contrary to right, by confiscating the property belonging to the citizens of that nation. The tie of interest, he concluded by remarking, is the strongest tie we have upon Great Britain. Let us pass the resolutions, and that nation will never again give us cause to pass similar ones. The people out of doors will say that we have done right. The nations of Europe will rejoice to see this Power, which is committing depredations on all nations humbled. The resolutions, he observed, do not regard the property in the funds. To touch this is not one of the means of retaliation warranted by the Law of Nations. Public contracts should be sacred.

Mr. BOURNOR said, he had not intended to take part in the debate at this early stage of it; but what had fallen from the member last up, convinced him that the House should not go into a consideration of the subject at this time. It should be considered with coolness, and all passions put out of the question.

No doubt we have a right to make reprisals, as the Legislature has a right to declare war; but he doubted whether the United States, in their present situation, would find it their interest to go into such measures. The authority read from *Vattel* by the member last up, he observed, made against that member's opinion. *Vattel* expressly says that reprisals should not be made on property intrusted to public faith. The debts of British subjects here are in that predicament. He had heard that gentleman, not long since, with pleasure, expatiate with warmth on the advantages of credit, especially to this country. Should that credit be destroyed, (he asked,) by destroying the confidence of foreigners in our faith? But, even if this retaliation is lawful, will it be the interest of the citizens, or rather of the Government, to take such a step at the present time? We have no doubt been cruelly treated; but have we made proper application for redress, and received an answer? We should first send a special Envoy, and insist on an immediate answer. This would be the mode of securing peace; at least, it offers the best chance of securing it.

The aggressions on our commerce made by Great Britain are no doubt enough to rouse any American's feelings; but the Legislature ought not to be swayed by passions; they should discuss the subject calmly and deliberately. He hoped the Committee would rise and allow time, at least, to take the necessary measures of defence; for, could the Legislature justify to their constituents this step of retaliation, should immediate hostilities, warlike hostilities, be the consequence? To justify a measure of this kind time should be given for the defensive system adopted to be carried into operation.

Mr. MERCER next spoke. He owned the measures proposed appeared to him great and momentous, and, had he any powers of declamation, he should think it improper to give loose to them on a question of this kind. We should weigh well our interest, examine carefully the situation in which we stand, and determine calmly where we shall place our next step. The proposition is to arrest, not to confiscate, the debts due to British subjects. From his recollection of the positions established by the best jurisprudence writers, no doubt remained in his mind that we have a clear right to secure to ourselves reparation in that way, and, in our predicament, confiscation even would be warranted, and by a point as firmly established as any principle which has the general practice of nations for a basis.

One of the latest writers on National Law, (*Binkershoeck*) is of opinion that debts are property, as well as anything else, and sees no reason why they should not, as well as other kinds of property, be seized to secure indemnity for injuries. This is the opinion of *Wolffius*, of *Vattel*, *Grotius*, and of his commentators. He could go on with a long list of authorities, and refer to actual treaties to show that it has been the practice of nations. Having established the right, he proceeded to consider the expediency of the propositions. Gentlemen, he hoped, did not wish that we should make a solemn declaration of war before we acted. This is no longer the custom among nations. It would be a pompous display of candor which no longer exists. Has any nation in the present European war, premised their operations by a declaration? No; their first step was to do all the injury in their power to their enemies. Then, we having taken what steps will best tend to our security, and give us the best hold of our enemy, let us not, however, lose sight of a settlement by negotiation. Let us show mankind that peace is our first wish. When we are thus prepared, let us step forward to an amicable negotiation. Let us call on the Executive to send forward some proper person to the Court of Great Britain, to assure them that we have a high sense of the injury done us; that we have it in our power to resent it, but wish to see the difference settled by receiving an indemnification. We shall thus make it their interest as well as duty to allow it. This he conceived to be the line of conduct we should adopt, if we wished to preserve the Western Hemisphere from the scourges that desolate the Old World. By some such measure

H. of R.]

Sequestration of British Debts.

[MARCH, 1794.]

as that proposed, we should make their motives for peace more weighty, and we should give assurances of our amicable disposition, by showing that all we wish is a just compensation.

In a matter of this kind, he was sensible of the danger of precipitation. The best mode of arresting the property proposed should be calmly weighed. He believed that something like the proposition made by Mr. SMITH, of South Carolina, before the House resolved itself into a Committee—a stop to all transfers of British property—would be proper as a preliminary step.

He concluded with some observations on the respect which nations, however weak, will command from their superiors in strength, by showing that they will not suffer imposition, by joining heart and hand in defence of their rights. This spirit, he was sure, animates Americans, and now their power is better able to keep pace with that spirit than when we humbled that nation. At that time we were in our infancy—an infancy by no means thriving under the trammels of the mother country—and, when they turned us adrift, and began their hostile spoiliations, they carried with them all our means of defence; but now, thank Providence, we have spirit and power to defend ourselves. If the gentleman from South Carolina [Mr. SMITH] would modify his proposition, and make the term thirty days, it should have his assent in preference to that now before the Committee.

Mr. SMITH, of South Carolina, said, that the proposition he had read before the House went into Committee was in the nature of an embargo on debts, securing them from transfer until the necessity of sequestering them more plainly appeared. The proposition did not then appear to meet the wishes of the House. When the Committee should rise he would again bring it forward. The question now before the Committee is whether they will agree to a sequestration of British debts. He wished this object had not been coupled with the indemnification to our own citizens, because it is fairer to decide each question upon its own merits. That part of the resolutions which contemplates an indemnification may give a weight to the first part which it might not intrinsically deserve.

He made some observations on the propriety of cool deliberation on the present important subject. The passions should be banished, and calm reason more than ever courted. It requires all the wisdom of the Legislative body now to combine our national honour with our national safety. He had doubts on the propriety of the resolutions proposed, but acknowledged that the arguments used in their favor had great weight in his mind. If the situation of this country be compared with that of other commercial nations, the propriety of something like the present resolutions would appear more evident. When other commercial nations wish to quarrel with us, their navies enable them to seize our vessels, and we cannot retaliate in the same way. Then we must fly to such means of retaliation as are in our power. If they take our property of one description, and we cannot lay our

hands upon the same kind, we must take any of theirs within our reach. This reasoning has, no doubt, great force; but the sacredness with which the modern usages of nations has shielded debts, is a great bar to our proceeding in the present case. Contracts between individuals are now considered as out of the reach of Governments, and it is the modern usage not to meddle with them. In the beginning of our late war, debts were not confiscated. The State of South Carolina, though certainly not wanting provocation, while confiscating all other property, left debts untouched, under the idea that private contracts are sacred. But this, in a case of war, and urgent necessity, might be overlooked; but if we are not in a state of war, perhaps meddling with private contracts might provoke it. Credit is certainly important to this country. We should consider how far the operation of the resolutions proposed would give a shock to it. Besides, they might have a tendency to involve us in future wars. We shall yet long be under the necessity of receiving certain supplies from Europe, and shall have debtors among us for those supplies. These debtors may at any time, when the burden weighs heavy, think of easing it by fomenting dissensions with the foreign creditor nation, in expectation that a confiscation of the debts may be an effect. It is true that, in such a case, they will not be exonerated. But it cannot be supposed that the Government to whom the debts would be transferred could prosecute the recovery of them with as much ardor as an individual.

The gentleman last up had relied on the authority of ancient and modern jurists. Some among this class of writers warrant putting prisoners to death—a principle which modern custom has put a stop to. They also, it is true, warrant the confiscation of debts; but *Burlomagus* says this is not the practice of modern nations. None, or very few trifling examples can be cited, he believed, of a departure from this principle, in modern times, among nations where commerce is cherished. This country depends on commerce, and credit is one of the means by which it flourishes; we should, then, not endeavor to weaken it. If we are once over the barrier, by trifling extensions of the principle, we may be carried to immoderate lengths indeed. Some persons who are in favor of sequestering private debts, speak with horror of touching the public funds. For his part, he did not see much difference between confiscating private and public debts. The object is the injury of an enemy, and to retaliate for injuries. Again: if we go to war with Great Britain, it is probable we shall be involved with her allies, then will it be said, that we shall confiscate what the Dutch lent us at a time of distress or since the peace. The Dutch have bought largely in our funds. The same principle will lead us to lay our hands upon that property. It will be difficult to draw a line, if we admit the principle.

Under these impressions, if called upon to give his vote, he should now feel much embarrassment. It had been said that the adoption of the present resolutions would be a means of obliging Great

MARCH, 1794.]

Sequestration of British Debts.

[H. of R.]

Britain to do us justice; that it would strike a terror among the subjects of that country, and make them clamorous for peace. It might, he feared, have a very different effect, exasperate them, and unite the people with the Government against us. Some further forbearance on our part may separate them. It will convince the people of Great Britain that we really wish for peace, and then, if war is the issue, the impression will be severely felt by that Government. We shall render the Administration very unpopular, and hasten its dismissal for one more friendly to this country. He was of opinion this crisis was fast approaching.

He concluded by again adverting to his propositions for preventing the transfer of British debts, which he hoped would be considered as a sufficient provision in the present exigency, and would give time to deliberate on further measures, and to watch the course of events in Europe, which, he believed, would have great influence upon the conduct of Great Britain towards us, and probably bring forward the change in the Administration of Great Britain.

The Committee now rose and reported progress.

FRIDAY, March 28.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions." Whereupon,

Ordered, That the said amendments be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House, that the Senate have agreed to the amendment proposed by this House in lieu of the amendments of the Senate to the first section of the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes." The Senate recede from their amendment, disagreed to by this House, to the sixth section, and insist on their amendment, disagreed to by this House, to the third section of the said bill.

The House proceeded to reconsider the amendment of the Senate, disagreed to by this House, and insisted on by the Senate, to the third section of the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes." Whereupon,

Resolved, That this House doth recede from their disagreement to the said amendment.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives.*

In the execution of the resolution of Congress, bearing date the twenty sixth day of March, one thousand seven hundred and ninety four, and imposing an embargo, I have requested the Governors of the several States to call forth the force of their Militia, if it should be necessary, for the detention of vessels. This power is conceived to be incidental to an embargo.

It also deserves the attention of Congress how far the clearances from one district to another, under the law as it now stands, may give rise to evasions of the embargo. As one security, the Collectors have been instructed to refuse to receive the surrender of coasting licenses, for the purpose of taking out registers, and to require bond from registered vessels, bound from one district to another, for the delivery of the cargo within the United States.

It is not understood that the resolution applies to fishing vessels, although their occupations lie, generally, in parts beyond the United States. But, without further restrictions, there is an opportunity of their privileges being used as means of eluding the embargo.

All armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted,) are considered as not liable to the embargo.

These circumstances are transmitted to Congress for their consideration.

G. WASHINGTON.

UNITED STATES, March 28, 1794.

The said Message and papers were read, and committed to Mr. DEXTER, Mr. MURRAY, and Mr. GOODHUE.

SEQUESTRATION OF BRITISH DEBTS.

The House resolved itself into a Committee of the Whole on the state of the Union, and took up Mr. DAYTON's resolutions for the sequestration of debts due to British subjects.

Mr. GILES commenced his remarks by observing that he had intended to have given a silent vote upon this question before the Committee, and probably should not have altered that intention, if it had not been from the solicitous requests expressed yesterday by several gentlemen in the opposition that the favorers of the proposed measure should furnish the Committee with the reasons upon which it was founded. Although it appeared to him to be rather unreasonable that some gentlemen should be expected, not only to possess reasons for their own opinions, but to furnish reasons for others; and, although he did not conceive that the favorers of the measure were under any obligation to disclose the reasons inducing it, provided they thought proper to hazard its fate upon a silent vote, yet he was willing to indulge the gentlemen with presenting to them the general course of reflection which the subject had produced in his mind, and which had strongly suggested its propriety. He had, however, a more powerful inducement to disclosing his opinion, since the subject has become matter of discussion and its propriety doubted.

The measure is deemed a bold one, and pregnant with the most serious consequences; in all such cases, he was desirous that his responsibility to the United States in general, and to his immediate constituents in particular, would at all times be tested by the real motives which should influence his conduct.

Several gentlemen in the opposition had earnestly admonished the Committee against the indulgence of their passions upon this subject, and recommended the exercise of cool and deliberate reasoning. He should not pretend to say how far such an admonition was necessary, or justified by

the temper of the Committee, but he believed it applied as strongly to the gentlemen who suggested the caution, as to those to whom it was addressed; and he hoped in the course of the future discussion, the gentlemen would show an example in themselves of the precepts they had prescribed to others.

As to himself, Mr. G. declared that, impressed with the awfulness of the present crisis, he had never reflected upon a subject with more coolness; and, if he understood his own situation, his mind was never in a state more susceptible of conviction.

The proposed measure is expected to eventuate in a final explanation of the relative state of things between the United States and Great Britain. It will probably result, therefore, in an open hostility, with the usual appeal to arms, or in a peace, with all the rights of neutrality attached to it. For this purpose the resolution proposes a sequestration of the debts due to the subjects of Great Britain, to be held as a pledge for the indemnification of the losses sustained by American citizens under the orders of the British King, in contravention of the Laws of Nations, and in violation of every rule of morality and justice. In the course of debate, this subject seems to have resolved itself into two questions. First, as it respects the right of one nation to sequester the property of the individuals of another in any possible case. Second, the policy of exercising this right at this time, under the existing circumstances of the United States.

He presumed that a state of things might exist between two nations in which reprisal would not only become the right but the duty to the nation sustaining the wrong. This happens where one nation, without cause, forcibly seizes upon the effects of another, or of its citizens, and withholds them without restitution or compensation, and when the nation, whose effects shall be so seized and detained, shall possess no other means of indemnification. The right of reprisal in the injured nation, in such a case, grows out of the injury sustained, and its inability to redress itself in any other way.

The duty of the injured nation to make reprisals, is founded upon self-preservation; and in case of the losses of its citizens, upon the promise of the protection of property sacredly made by the nation to its individual members.

This he believed to be the doctrine of the laws of morality and reason, and he knew it to be the doctrine of the Laws of Nations, which were, in fact, nothing more than the laws of morality and reason systematized and reduced to writing.

Believing this principle to be a just one, he would apply to the existing state of things between the United States and Great Britain. Almost as soon as Great Britain had taken part in the iniquitous war against France, the Executive of the United States manifested their regard for peace, by proclaiming their existing state of neutrality, and recommending to their citizens, not only the observance of neutrality, but of impartial neutrality—although the partiality of the American people for the cause of France was well known—although, at that moment, their affections

for the French nation were addressed by the most honorable and powerful considerations that ever existed between two nations. The peculiar similarity between the existing French cause, and that which had just given birth to American liberty and independence; the material agency which the French nation had exerted in bringing about that event; and the existing principles of Government here, the product of the Revolution, which are the great object of attack by the Combination against France.

A pure and laudable regard for peace, and a detestation of war, however, had overcome all these sensations, and produced a neutrality, which he believed, on the part of the United States, had been rigidly observed; at least, he was sure, that such was the intention of Government. In this state of things, Great Britain commenced an attack upon this state of neutrality, which it was certainly her interest to preserve, and which she ought to have deemed a favor to obtain. Great Britain continued to keep possession of posts upon the acknowledged Territory of the United States, to carry on a contraband trade with our savage enemy. She, shortly after our proclaimed neutrality proceeded to interrupt our lawful trade with our allies. She seized, condemned, and sanctioned, the complete transfer of the property of American citizens to her own subjects; and, as if there could be no limits to her iniquity and resentment, she has contrived to open upon our Eastern frontiers a barbarous enemy to aid in making depredations upon our commerce.

These acts constitute injuries which amount to war, and they are infinitely aggravated, both by the perfidy which attended the execution of some of them, and the total want of provocation for the commission of any of them.

If, then, Great Britain shall have committed acts towards the United States which furnish just cause of war, the United States possess the right, consistently with the Laws of Nations, to exercise any act towards Great Britain which would be justifiable in a state of war. The United States having received the injuries, are authorized to select such measures and means as they may deem the most expedient for self-preservation and indemnification. Reprisal is within their power. All other means of redress are without their power. In such a state of things, reprisal is a right—reprisal is a duty. An objection, more plausible than solid, has been made to this course of reasoning, that the individuals who will be the immediate objects of the reprisal, have not been the immediate agents of the aggression. The Laws of Nations state, that the property of individuals is as much a subject of reprisal as the property of the aggressing nation; but, as the nation is the immediate agent in the wrong, the individual who sustains an injury thereby, becomes entitled to recompense from his nation. The nation which commits the wrong, by this process, will ultimately sustain the loss. Hence, in the present case, the innocent and unsuspecting victims of the United States, have received losses from the lawless aggressions of Great Britain, and the question is,

MARCH, 1794.]

Sequestration of British Debts.

[H. OF R.]

whether they shall finally sustain those losses, without any clear claim of indemnification upon the Government of the United States? Or, whether the losses shall be transferred to British subjects, who will thereby possess the clearest claim for recompense, from the British Government? He thought the laws of God, the laws of morality, the laws of reason, the Laws of Nations, would all pronounce that the British Government, which had done the wrong, should afford the recompense.

Mr. G. said, that, if the losses were to be ultimately borne by the individual subjects of Great Britain, the remedy would seem to be a harsh one; but, even in that case, the only alternatives left to the United States would be to say, whether their own citizens, to whom they have promised protection, should finally sustain the losses, or the British subjects, to whom they have promised no protection. But the situation of the individuals, who may be the subjects of reprisal, is greatly meliorated, by the consideration of their just claim to recompense from their own Government; which he had no doubt but they would ultimately obtain, if they were put into a situation to demand it; but if they should ultimately be denied justice, it would be a consolation to reflect, that it was the injustice of their own Government, not of the United States.

He observed, that a reprisal, in the way proposed, stood upon the same ground as the invasion of the property, in every other case did, and was justified upon the same principle, to wit: Self-preservation. He presumed, if there existed an acknowledged state of war, letters of marque and reprisal, commissions to privateers, &c., would be deemed justifiable and expedient, and that no discrimination would be made between the property of individuals and the property of the nation; yet, the invasion of the rights of property in that case, would be as palpable, as in the case of the reprisal proposed, with this aggravation; that, in that case, the individual sustaining the loss would not be entitled to ultimate recompense from the Government—in the case proposed he would be entitled to recompense. He observed, that the British nation had not discovered this delicate discrimination between national and individual property, in their late instructions given to their privateers and ships of war, although they had sustained no wrong; and he thought their conduct an example in point for the United States, who had received the injury, and committed none.

A gentleman [Mr. SMITH, of South Carolina] yesterday, attempted to make a distinction between vessels at sea, and other property; although he acknowledged that, at the first blush, he could discern no distinction in principle.

Mr. G. said, that every species of property stood on the same principle—the promise made by the Government to afford protection to all property—the same rights are attached to every species of property, and the Government is bound to afford an equal security to all. A sentence read yesterday, by a gentleman, [Mr. S. SMITH,] from a writer upon the Laws of Nations, clearly shows the

right of a nation to make reprisals upon all the effects of individuals of an aggressing nation indiscriminately, except stock in the public funds; which has been exempted, under the idea of its being a pledge in the hands of Government; the withholding of which would be a breach of public faith. He believed that the practice and policy of some nations might have given rise to this distinction, but he doubted whether the practice had been uniform and universal, and he was clear that there was no rational distinction in principle. The idea that the public funds are a pledge in the hands of Government, and ought not, therefore, to be touched, is equally applicable to every other species of property. In the case of contracts between individuals, the Government guarantees the performance upon the refusal of one party to pay or comply. In the case of lands or personal chattels, the Government guarantees the exclusive enjoyment to the proprietor; it would be equally a violation of faith for the Government to deny its obligation in the one case, as in the other, and nothing could justify an invasion of the rights of property, in any case, but self-preservation—the first of all rights, and the highest of all duties.

He positively denied that any pre-eminence was due to one species of property over another. He said, however, that this discussion was not immediately necessary, as the resolution under consideration did not embrace the stock in the funds of the United States.

Mr. G. observed, that it had been said, and repeated in the Committee, that the proposed measure was war. He denied that the measure in itself was war, or that it furnished a just cause of war. He believed, however, that it was problematical whether it would eventuate in peace or war; indeed, he remarked, that the crisis of affairs is already such, that, whether the measure be adopted or not, he viewed war as a probable event, peace as a possible event; but the point he contended for was, that if the aggressions towards the United States be sufficient to justify reprisal, the exercise of the right does not furnish a just cause of war. The exercise of a right by one nation can never involve the absurd consequence of giving another nation the right to exercise a wrong. He said, that gentlemen on one side of this question seemed to act upon an imaginary, instead of the real state of things. He was not, therefore, astonished at hearing the committee cautioned against the violation of neutrality. He did not conceive that the present state of things between the United States and Great Britain would justify the use of the term neutrality. Neutrality is a term used to signify the relation in which two nations stand towards each other. Neutrality therefore requires parties—either party may destroy the relation between the parties. It therefore appeared absurd to him to say that Great Britain was in a state of depredation and war towards the United States, and the United States in a state of neutrality towards Great Britain. It has been said, that the United States have not abandoned their neutrality; this is true, but it is no evidence

H. OF R.]

Sequestration of British Debts.

[MARCH, 1794.]

that neutrality exists. Great Britain has abandoned it for them.

He said, however, that this was disregarding the substance and entering into a mere cavil about names. It was not material in his opinion, what name ought to be given to the existing relation of things between the United States and Great Britain. Whether it was called a state of peace, a state of war, a state of neutrality, a state of reprisal, a state of retortion, or a state of very uncivil conduct on the part of Great Britain. Nor did he conceive it material to ascertain whether there were any intermediate stage between a state of peace and a state of war, or in which state the depredations of Great Britain should technically be classed; but one thing was certain and material—that the United States had sustained substantial wrongs, which required a substantial remedy. Gentlemen who have regarded names and disregarded substances, have also been extremely alarmed at the idea of a discrimination of conduct by the United States towards foreign nations. A gentleman [Mr. BODINOT] observed yesterday, that the United States had sustained injuries from France and Spain as well as Great Britain, and asked why there should be any discrimination in their favor? Mr. G. said he was extremely hurt that the conduct of France should be so unnecessarily and unopportunately arraigned in that House. He submitted it to the gentlemen to say, if the United States should be compelled to enter into the war, which was at this moment not an improbable event, why then it would be wise to irritate the only nation in the world who could afford them any substantial assistance? He said that this conduct was the less justifiable, from the recollection that the conduct of France was the result of necessity, and that there was every reason to conclude that the conduct of that nation would be explained in a satisfactory manner. But a consideration mentioned by a gentleman [Mr. SMITH, of Maryland,] yesterday, was a conclusive answer—the United States owe to France a pecuniary obligation, as well as one of a more sacred nature. This is at all times sufficient for their indemnification. With respect to Spain, if the gentleman would show the injury sustained, and point out a fund for indemnification, Mr. G. declared he would not hesitate a moment to apply it to that object.

But will the gentleman conclude, that because one nation has injured us, in a degree against which we have no redress, that therefore we shall not indemnify ourselves from a nation which has injured us in the extreme, and against which we have the most ample redress?

He believed the gentleman's coolness, his wisdom, and his deliberation, could not possibly lead him to such a result. With respect to discrimination in the conduct of the United States towards foreign nations, it necessarily grew out of the character of the conduct of other nations towards the United States. Some gentlemen appeared to him to have carried their ideas upon this subject to the most fanciful absurdities. To keep France out of the comparison, let this indiscriminate con-

duct, so much applauded, be applied to Great Britain and Holland. Great Britain destroys our trade, plunders our property, and, to her injuries, adds insult and contempt. Holland, engaged in the same cause, fosters our trade, and respects us as a nation. Under these circumstances, do gentlemen contend that an indiscriminate conduct is due to Great Britain and to Holland? Or do they mean to carry this delicate indiscriminate conduct so far as to refuse to themselves all redress from one nation, because they would wish to deal out the same conduct to all others, whether they had offended or not? He said, that discrimination was stamped in the front of the conduct of foreign nations towards us, and to make an indiscriminate return would be the worst and most unjust of all discriminations. He hoped gentlemen would pardon him, but he could not help thinking that they had carried their ideas upon this subject to the most fanciful absurdities. A gentleman [Mr. SMITH, of South Carolina,] yesterday remarked, that of late the condition of war had been much ameliorated as it regards the rights of property, and he thought the amelioration ought to be extended rather than abridged. Mr. G. declared, that he heartily joined him in his wishes that the condition of war would ere long be ameliorated, both as it regards property and persons. He hoped that mankind would soon learn more wisdom than to butcher each other for the amusement or security of the privileged orders of the world. From that source he believed all wars arose, and until the cause was banished from the earth, he feared the fatal effects resulting from it would continue to exist. He declared, that he should view the banishment of the privileged orders from the world as the surest harbinger of the approach of the Millennium. But this is not the happy period of the world; for, although the United States are free from this pest of the human species in their internal organization, yet the evils they at this moment experience arise from their external intercourse with that part of the world which is less fortunate. The attack made on the United States at this moment, is an attack upon property. If there should be a war between the United States and Great Britain, it will be a war of property. Unless there should be a species of madness in the nation not to be calculated upon, they cannot think of invasion and subjugation. It is known that the United States cannot make an attack upon Great Britain, and territory and conquest with them are no objects. Hence the war will be confined to depredations upon property. This is the most dishonorable species of warfare, and therefore the more to be regretted. There is this obvious distinction, however, between the United States and Great Britain. With Great Britain, at least with the privileged orders, it is matter of choice; with the United States, it is matter of compulsion. The United States despise this mode of warfare; they covet not the property of any nation upon earth, but self-preservation demands it. They are under the strong hand of a powerful nation, despising their rights, and regardless of justice. In this state of things, there is but little hope of strengthening

MARCH, 1794.]

Sequestration of British Debts.

[H. OF R.]

the sacred ties of property; for, in the example of Great Britain, her late conduct can furnish no consolation for these theoretic speculations; and however the United States might be inclined to practise upon them, yet the British depredations will forbid them—for submission will be an invitation to new acts of aggression. He most ardently wished the state of things were otherwise; but, exposed to these inconveniences, the most effectual means ought to be adopted for their resistance.

Mr. G. proceeded to observe, that having shown the right of reprisal to be conformable to the laws of Nations, and clearly justified by the existing relation of things between the United States and Great Britain, he would now submit a few remarks upon the policy of exercising the right at this time. Under the existing circumstances of the United States, he thought the policy of the measure was recommended by the clearest and most obvious principles. The relation of things between the United States and Great Britain is such as to demand a final and unequivocal explanation, whether the proposed measure be adopted or not. In all parts of this Committee, in all parts of the United States, a definite explanation is called for. The present state of things between the two nations cannot long exist.

It is to be hoped that the tone of language to be used by the United States will be adjusted to the nature of the injuries they have sustained. Acquiescence and submission are no longer recommended. Hence, matters are already reduced to extremities, and all the irritations already exist which can grow out of an extreme state of things. The proposed measure can add nothing to these irritations. The question therefore appears to be reduced to this—whether, in demanding an explanation and attempting negotiation, we shall use all the means in our power to compel a favorable issue? Or whether we shall tamely supplicate for justice, and suffer the most effectual means of compulsion to elude our grasp? He did not mean here to recapitulate the conduct of Great Britain towards us; he hoped it was sufficiently impressed upon the mind of every gentleman in the Committee; but, after the recent experience of her conduct, it would be madness, it would be folly, to address our complaints to her justice or moderation. He thought it would be wise to lay hold of everything in our power, and hold it as a pledge for her good behaviour. This measure would put us in the best possible situation for negotiation. It would authorize an appeal to her interest, which she could not resist. He begged the Committee to reflect upon the argument which had been used here to prevent a late measure which had been adopted, and which had been renewed upon the present resolution, that a great value in property, belonging to the citizens of the United States was in the power of the British, and that any counter-acting measures would place it in extreme hazard. This seemed to him to have been the most prevailing argument which had been urged, and for some time was irresistible. If, then, the argument shall have been applied with so much force here,

with how much more force will it be applied in Great Britain, when they find that the property of the individuals of that nation is placed in jeopardy here, and that it greatly exceeds in value the whole of the property which they have infamously detained and condemned? Besides, if, in the event of a war, it should be a war of property, as is every where contemplated, Great Britain will find that the war will be commenced upon very unequal terms. Viewing this measure, therefore, as to its probable tendency to peace or war, he thought the probability greatly in favor of its producing peace. When Great Britain shall find that she is entering into a contest upon unequal terms, when she shall find that it may terminate in a permanent loss of the advantages of her commerce with the United States, when she shall see before her a precipice, into which if she should once enter she never can return, she would pause before she acted, she would take time to count the probable loss and gain, and peace would be the infallible consequence of such deliberate calculations. This measure will convince Great Britain that the United States possess a knowledge of their rights, a confidence in their ability, and a determination in their disposition to assert and support them.

A gentleman [Mr. SMITH, of South Carolina,] observed yesterday, that a pacific system would probably attach the people of Great Britain to the United States, and detach them from their own Government. The gentleman ought to recollect, that a pusillanimous conduct will not. It is with nations as it is with individuals—to be respected by others, they should respect themselves. The same gentleman remarked, that a change of Ministry might be expected, and advised waiting for the event. The idea is as undignified as it is chimerical.

Mr. G. said, he knew nothing of the change of the Ministry—the principle was unknown here. The people here were their own Governors. It was immaterial to them who the Minister was. Even in the country where the people were less fortunate, where Ministers govern, a change of Ministers never produced any solid advantage to the nation. It was merely an expedient of the moment, to smother a popular clamor. But, even proceeding upon the gentleman's hypothesis, which Mr. G. thought wholly inadmissible, he submitted to the gentleman to determine, whether a positive submission by foreigners to the avaricious regulations of a Minister, be the most likely mean to render him unpopular at home? On the other hand, whether it was not the most effectual mean of preserving his popularity, and of keeping him in office? He presumed the people at home would never complain of injuries abroad, if those who sustained them refused to complain. It is but by resistance, and throwing the burden upon the people of England, that they can be brought to complain. But in cases of such extremities as the present, all appeals to the people of England are futile and degrading. Our only resource should be in our own exertions. They would be abundantly sufficient, if we could be brought to believe it.

H. of R.]

Sequestration of British Debts.

[MARCH, 1794.]

Mr. G. remarked, that the people of Ireland had lately afforded an instructing lesson upon this point. They had arms in their hands for the purpose of asserting their rights; under the idea of acquiescence and submission they had surrendered them to the Government; perhaps, under the expectation of a change of Ministry. Did this act of submission render them more respectable in the eyes of the people of England? Did it encourage the hopes of those who wished the establishment of Government upon the principle of equal rights? Did it not rivet the chains upon the people of England? Did it render the people of Ireland more respectable in the eyes of the people of the United States? To these questions it was unnecessary to give an answer. The people of Ireland reaped the usual merits of submission—imposition and insult.

There was another consideration strongly in favor of the policy of the proposed measure. Applications have been already made from different parts of the United States by the immediate sufferers from the British depredations, for an indemnification of their losses. These applications will, probably, be increased, repeated, and continued; the agricultural and other interests of the United States will, probably, never consent to equalize this burden. The claims of the sufferers upon the Government will gain additional weight, unless this fund should be offered to them for their indemnification. This is the obvious, the natural and the rightful fund for their indemnification; and he thought it was, at least, the duty of the Government to hold it as a pledge for their security. If this measure should not now be adopted, the refusal will lay a foundation for further parties in the United States, which may ultimately have a serious effect upon the Government.

An objection, of a very delicate and influential nature, has been made to the proposed measure, which required some consideration. That it would affect the character and credit of the Government. He had viewed this objection with the most deliberate attention, and felt the whole force of its imposing delicacy; but was at length perfectly satisfied that it was unfounded. This objection relates rather to the right than the policy of the United States to adopt the measure. If the United States possesses the right of reprisal upon an honest and sound interpretation of the Laws of Nations; if the conduct of Great Britain towards the United States be sufficient to justify the excess of the right, he believed the policy of exercising the right could never tarnish the American character, nor lessen the credit of American citizens hereafter. The World of Nations, as well as individuals, will easily see, that it was a measure of compulsion, not of choice; that, although the United States believed, they regretted the necessity; that they were not the authors of the original wrongs; that they had borne them with patience, had used their endeavors to prevent the commission of them; and that, when these wrongs were committed and repeated, the United States possessed no other means of redress.

Under these circumstances, in the exercise of a

substantial right, he did not believe there could flow any consequential wrong.

The motive would be looked at, and it would furnish a complete exoneration from blame, whilst the original aggressors would become justly responsible for all the consequences.

Mr. G. said, he could not sit down without making some remarks upon the fruits of the conduct heretofore observed by the United States. The most pacific system has heretofore marked the character of the Government. All America looked upon the late proclamation of neutrality as a competent guarantee for peace. He had no doubt but that it was dictated by the purest regard for peace. But what have been the fruits of it? He did not mean to condemn the conduct of the Executive. Perhaps it was suggested by the then existing state of things. He only intended to show, that it had not met with the return it merited, and which was reasonably expected from it.

It has not produced peace. A regard for peace has been construed into a fear of war. A resistance of the feelings of the people for the cause of France has been a palatable food for British arrogance and presumption. Submission to aggression has invited new aggressions; appeals for justice have been deemed testimonies of debility, till at length the United States, after having been stripped of their citizens and property, are upon the eve of a war, because they have not exerted their rights at an earlier period. If this conduct should have been heretofore wise and pacific, experience has taught us that it is no longer so; nothing can be expected from the justice, the honor, or the moderation of a Court, which has proved itself equally a stranger to them all; but, before such a tribunal, acquiescence will beget injuries, injuries will beget insults, and insults will beget contempt and degradation, and war.

Mr. SWIFT remarked that, on the first view of the subject, he had been inclined to favor the proposition, not having attended minutely to the distinction made by the Laws of Nations respecting the property of an enemy liable to reprisal; but on a full investigation of the subject, and mature deliberation, he was convinced that the proposition under consideration would be a direct and manifest violation of the Laws of Nations; he was, therefore, clearly and decidedly opposed to its adoption. Gentlemen have said much respecting the insults and the injuries which we have received from the British nation; but Mr. S. conceived it to be unnecessary that gentlemen should describe their insults and injuries in the highest colors to inflame our passions, and to animate our resentment. He believed that every gentleman in the Committee deeply felt the indignity which had been offered to their country, and was convinced that Great Britain had been guilty of a violation of the Laws of Nations; but, under such circumstances, it was our duty to conduct with coolness, candor, and moderation. He thought that the heat and passion which had been manifested in the course of the debate were inconsistent with that dignity and propriety which ought to mark the deliberations of the Legislature.

MARCH, 1794.]

Sequestration of British Debts.

[H. OF R.]

Mr. S. observed, that the conduct of the British Court in regard to their concealing in such a singular manner the order of the 6th of November, and the equivocal terms in which it was expressed, was greatly to their dishonor. But he thought that the words, *legal adjudication*, would fairly admit of a construction that no American vessel that should be taken pursuant to that order, could be liable to be condemned, unless warranted by the Laws of Nations. There was reason to apprehend that such was the intention of the British Cabinet; and that the Courts of Admiralty in the West Indies, in their condemnations, had exceeded their jurisdiction, and contradicted the design of the Court of London. Recent intelligence confirmed the idea. No information of these illegal transactions had yet been communicated to them. It was possible that when that Court were made acquainted with the injuries we had sustained that they would award restitution or compensation. Mr. S. remarked that, by the Laws of Nations, no nation had a right to make reprisal for any injury till all other means of obtaining justice had failed; that it was our duty in the first place to represent to the Court of Great Britain, the spoliations that had been made on our commerce by the illegal condemnation of our vessels; that, till we had done this, the Laws of Nations would not warrant us to make reprisals on the goods and effects of the British nation. That there was a possibility of obtaining a satisfactory explanation of their conduct and reparation for the injuries we had suffered. It was, therefore, a proper subject of negotiation. But, he said, if that nation will not do us justice, then we are authorized to make reprisals.

Mr. S. then observed that, when we had taken such steps as would authorize reprisal, we should be precluded by the Laws of Nations from adopting the proposition under consideration. He said that a gentleman from Maryland [Mr. MERCER] had yesterday asserted that *Burlamaqui* was the only authority among the writers on the Laws of Nations against the measure; and that the opinion of *Vattel* was in favor of it. Another gentleman from Maryland, [Mr. SMITH] had read a passage from *Vattel*, which he considered as an authority in point, to justify the seizing of private debts; but not debts due from the public. But if these gentlemen had thoroughly examined *Vattel*, they would have found, instead of his being an authority in their favor, he had in the most direct terms maintained a contrary opinion. He then read a passage from *Vattel*, that showed that the effects of an enemy in a country at the time of a declaration of war cannot be seized, but that the owner is entitled to a reasonable time to remove them; and another passage, which expressly declared that, by the usage and custom of modern nations, public and private debts are not the subject of reprisal. Mr. S. conceived that these rules were founded in the highest wisdom; that all debts were contracted under a sanction of public faith, and an understanding that a war should not render them liable to seizure or confiscation; that a moral obligation existed between the contract-

ing parties for the payment of the debts; and that no Government could ever have a right to violate a moral obligation. That, therefore, by the Law of Nations in all instances where property comes into the possession of a nation by a confidence reposed in their honor and faith, as in case of public or private debts, such property can never be the subject of reprisal, because this would be to authorize a breach of public faith; but reprisals are always to be made on property in possession of the nation who has done the injury, and which may be taken without any violation of those principles, which ought to be held sacred in time of war.

Mr. S. remarked, that it had been suggested that the British nation had been guilty of a violation of the Laws of Nations in their treatment of us; and that, therefore, we were not bound to govern ourselves by that law in our conduct towards them. This argument, however plausible, he said, would not bear the test of examination; that all reprisals were justified only on the principle that the nation on whom reprisal is made has been guilty of a previous violation of the Laws of Nations. When a nation disregards that general law by which the conduct of all independent communities towards each other is to be regulated, the same law points out the mode of redress. If there has been no violation of that law, there can be no reprisal. If there has been a violation, then the reprisal must be pursuant to the law, for it is the highest absurdity to say, that because there has been an infraction of a law which authorizes a certain mode of redress, that we may pursue a different mode of redress in violation of the law which gives us the right. This would be at once to renounce the whole system of the Laws of Nations, and throw mankind back into a state of savage barbarity and ferocity.

Mr. S. then adverted to the policy of the measure. He said, upon a fair calculation, it would be found that the adoption of the proposition would be productive of far greater injury to this country than the amount of the losses sustained by our citizens in consequence of the spoliations committed upon our commerce. It is evident that this country, even admitting that a war should take place, would wish to renew their commercial connexion with Great Britain. But if, in contempt of the Law of Nations, we seize on private debts, we shall forever forfeit all credit; no trust can be reposed in our citizens, and no faith in our Government. No foreign merchants will ever deal on credit with our citizens, from a well guarded apprehension that, in case of a war between the countries, the sacred nature of private contracts will not protect them against the hand of a Government which has exhibited the example of a deliberate violation of the Laws of Nations. When we consider the immense advantages that can be derived from private credit and national honor, it will be easy to imagine the infinite mischief that must result from a disregard of those principles.

Mr. S. objected to the measure on the ground that he considered it to be a declaration of war;

and he did not think that the circumstances required or justified our taking that step. He said that notwithstanding the unwarrantable proceedings of the British nation; yet, no act had been done by the British Court that clearly indicated an intention to make war directly upon us, or that could be considered as direct and intentional war, though we might consider many of their acts as just causes of making war on our part.

The revocation of the order of the 6th of November, the new instructions of the 8th of January, and the explanation given to the merchants of London, clearly evidenced that a war might be avoided with that nation. While there was the remotest possibility of preserving our peace we ought not to do an act which might endanger a war. While then the conduct of the British Cabinet would admit of an explanation, while there was a prospect that we might obtain by negotiation restitution of the property of our citizens or compensation for the losses they had sustained, we ought to pursue that mode; but if we proceeded to make reprisals by adopting an illegal measure, it must certainly be deemed a declaration of war.

The omission of the regular means of obtaining satisfaction by negotiation and an unwarrantable mode of reprisal would certainly be just causes of war. If we must be driven into a war it would be of the highest advantage to us to conduct it in such a manner as to convince the people of Great Britain that we sincerely wished to avoid it, and that the unjust and illegal proceedings of their own Court have been the sole cause of the war. In such case we have reason to think, that so great is the interest of that nation in preserving our commercial connexion, that a powerful party will be formed in our favor to oppose the injustice of the Government. The sentiments of the people will be against the war, and the Court will find it extremely difficult to maintain it under such circumstances.

But if, without demanding an explanation, we proceed to adopt rash, violent, and unwarrantable measures, the spirit of the nation will rise against us, and the people will join the Court in prosecuting a war which will be then deemed just and necessary.

Mr. S. then observed that we ought to take into consideration the present situation of Europe; that the late successes of the French nation had materially changed the political prospect. It was possible that these successes had been the cause which had produced an alteration in the views of the British Court. If events had happened which had rendered the disposition of that nation less unfriendly and hostile, we ought to take advantage of that circumstance, and not do any thing to check the progress of that favorable disposition. He most sincerely hoped that these successes would convince the combined Powers of the impossibility to conquer France, and produce a general pacification.

While such were the prospects, he ardently wished that a measure repugnant to the principles of common honesty and common justice might

be rejected; and he hoped that no gentleman in the Committee would vote in favor of a proposition which would fix an indelible stigma on our national character.

The Committee now rose, and had leave to sit again.

MONDAY, March 31.

Mr. DEXTER, from the committee to whom was referred the Message of the PRESIDENT OF THE UNITED STATES, of the twenty-eighth instant, relative to the execution of the resolve laying an embargo, made a report; which was read: Whereupon,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the continuance of the present embargo no registered vessel, having on board goods, wares, or merchandise, shall be allowed to depart from one port of the United States, to any other port within the same, unless the master, owner, consignee, or factor, shall first give bond, with one or more sureties, to the Collector of the district from which she is about to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise, shall be re-landed in some port of the United States; which bond, and also a certificate from the Collector of the district where the same may be relanded, shall, by the Collectors, respectively, be transmitted to the Secretary of the Treasury. That the several Collectors be prohibited from granting a clearance to any foreign ship or vessel, in any case whatever, during the continuance of the present embargo, and all armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted,) are to be considered as not liable to the embargo.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

A message from the Senate informed the House, that the Senate have passed the bill, entitled, "An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river," with several amendments; to which they desire the concurrence of this House.

A message from the Senate informed the House, that the Senate have agreed to a resolution to carry into more complete effect the resolution directing an embargo; to which they desire the concurrence of this House.

The House proceeded to consider the said resolution, and, the same being read, was disagreed to.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States;" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House, on the state of the Union; and after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, and come to seve-

APRIL, 1794.]

Proceedings.

[H. OF R.]

ral resolutions thereupon; which he delivered in at the Clerk's table.

The House proceeded to consider the said resolutions.

And the first, second, third, and fourth resolutions, being severally twice read at the Clerk's table, were, on the question put thereupon, agreed to by the House, as follows:

1. *Resolved*, That effectual measures ought to be adopted to complete the present Military Establishment of the United States, and that provision ought to be made that the same may be kept full.

2. *Resolved*, That an additional corps of artillery, not to exceed eight hundred men, officers included, and also including one chief, and four assistant engineers, ought to be raised for garrisoning the fortifications, which are, or may be erected, for the defence of the seacoasts.

3. *Resolved*, That the PRESIDENT be authorized and empowered to call on the Executives of the several States, to take effectual measures, as soon as may be, to organize, and hold in readiness to march at a moment's warning, eighty thousand effective militia, officers included, to be apportioned to the States respectively, in proportion to the whole number of white inhabitants; that is to say:

To the State of—	
Georgia, - - - - -	1,333
South Carolina, - - - - -	3,550
North Carolina, - - - - -	7,331
Kentucky, - - - - -	1,532
Virginia, - - - - -	11,377
Maryland, - - - - -	5,418
Delaware, - - - - -	1,256
Pennsylvania, - - - - -	10,768
New Jersey, - - - - -	4,318
New York, - - - - -	7,971
Vermont, - - - - -	2,139
Connecticut, - - - - -	5,881
Rhode Island, - - - - -	1,697
Massachusetts, - - - - -	11,885
New Hampshire - - - - -	3,544

80,000

Which detachment of militia shall be officered out of the present militia officers, or others, at the option and discretion of the Constitutional authority of the States, respectively.

4. *Resolved*, That any independent corps of cavalry, artillery, or infantry, may be accepted, as part of the said detachment of militia, provided they shall voluntarily engage; and provided the same shall be deemed eligible by the PRESIDENT.

The fifth resolution was twice read at the Clerk's table, amended, and agreed to by the House, as follows:

Resolved, That the PRESIDENT be desired to request the Executives of the several States to take effectual care that the whole of the militia, as well as the men detached as aforesaid, be armed and equipped according to law.

The sixth resolution was twice read at the Clerk's table, and debate arising thereupon, an adjournment was called for: Whereupon, the several orders of the day were further postponed until to-morrow.

TUESDAY, April 1.

A petition of sundry inhabitants of the county of Washington, in the State of Maryland, whose names are thereunto subscribed, was presented to the House and read, praying a revision and amendment of the act, entitled "An act concerning the duties on spirits distilled within the United States." Also, the petitions of sundry inhabitants of the counties of Chester and Lancaster, in the State of Pennsylvania, to the same effect.

Ordered, That the said petitions be referred to Mr. MOORE, Mr. SMILE, Mr. M'DOWELL, Mr. BEATTY, and Mr. SPRIGG, with instruction to examine the same, and report to the House the general operation and effect of the excise in the United States, and the nett amount of revenue arising therefrom.

The bill sent from the Senate, entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States," was read the first time.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London and in Providence river;" and the same being read, were agreed to.

The House resumed the consideration of the sixth resolution, reported yesterday from the Committee of the Whole House on the state of the Union; and the same being amended at the Clerk's table, was, on the question put thereupon, agreed to by the House, as follows:

Resolved, That provision ought to be made, by law, for organizing and raising a military force, under the authority of the Government of the United States, to consist of twenty-five thousand men, rank and file, with the proper officers, to serve for the term of — years, or during a war which may break out between the United States and any foreign European Power.

Ordered, That a bill or bills be brought in pursuant to the foregoing resolution, and to the resolutions agreed to yesterday, and that Mr. SEDEWICK, Mr. DEARBORN, Mr. JEREMIAH WADSWORTH, Mr. DAYTON, Mr. IRVINE, Mr. MERCER, Mr. PARKER, Mr. LOCKE, and Mr. PICKENS, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill to establish the Post Office and Post Roads within the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which he delivered in at the Clerk's table.

Ordered, That the said bill, with the amendments, do lie on the table.

WEDNESDAY, April 2.

The bill sent from the Senate, entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States," was read the second

H. OF R.]

Proceedings.

[APRIL, 1794.]

time, and ordered to be committed to a Committee of the Whole.

On a motion made and seconded, that the House do come to the following resolution :

Resolved, That the President of the United States be authorized to grant to the citizens of the United States commissions of marque and reprisals against the Regencies of Algiers, Tripoli, and Tunis :

Ordered, That the said motion be committed to a Committee of the Whole House to-morrow.

The House proceeded to consider the amendments, reported yesterday from the Committee of the Whole House, to the bill to establish the Post Office and Post Roads of the United States ; and the said amendments being severally twice read and agreed to by the House, the said bill was then further amended, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the memorial of Arthur St. Clair ; and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said report, and that it be recommitted to Mr. FITZSIMONS, Mr. THATCHER, and Mr. HINDMAN.

THURSDAY, April 3.

A petition of Augustine Seaton, of the State of Virginia, praying compensation for the value of two wagons and teams, the property of the petitioner, which were taken for the use of Colonel Grayson's regiment of the late American Army ; also, that he may be reimbursed a certain sum of money, which he advanced for supplies of clothing to the said regiment, in the year 1777.

Ordered, That the said petitions do lie on the table.

Ordered, That the committee appointed on the 7th of February last, to report whether any, and what, alterations or amendments are, in their opinion, necessary in the act, entitled "An act concerning the registering and recording of ships or vessels ;" also, in the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same ;" also, in the act entitled "An act to regulate the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels ;" and, also, if any, and what, further Legislative provision may be necessary for the securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas, be instructed to report by way of bill or bills.

The House resolved itself into a Committee of the Whole House on the bill to encourage the recruiting service ; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto ; which were

severally twice read, and agreed to by the House.
Ordered, That the said bill, with the amendments, be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the motion of the 27th of February last, providing for the payment of the interest on the balances credited certain States, in the books of the Treasury ; and also for the payment, by annual instalments, of the balances due from sundry of the States, on a final settlement of the accounts between the United States and individual States ; and, after some time spent therein, the Committee rose and reported progress.

FRIDAY, April 4.

An engrossed bill, to encourage the recruiting service, was read the third time, and passed.

An engrossed bill, to establish the Post Office and Post Roads within the United States, was read the third time, and passed.

A memorial of the Representatives of the people of the territory of the United States South of the river Ohio, was presented to the House and read, praying that such measures may be adopted as may be deemed most expedient and effectual for the protection and preservation of the inhabitants of the said territory from the hostile incursions of the Indians ; also, for the releasement from slavery of such of the citizens of the United States as are now in captivity at Algiers.

Ordered, That the said memorial be referred to Mr. CARNES, Mr. BLOUNT, Mr. MEBANE, Mr. PICKENS, and Mr. PRESTON ; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. GOODHUE, from the committee appointed, presented a bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas ; which was read twice, and committed.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate, and
of the House of Representatives :*

I lay before you three Letters from our Minister in London ; advices concerning the Algerine Mission, from our Minister at Lisbon, and others ; and a Letter from the Minister Plenipotentiary of the French Republic to the Secretary of State, with his answer.

G. WASHINGTON.

UNITED STATES, April 4, 1794.

The said Message and papers were read, and ordered to lie on the table.

Mr. MADISON, from the joint committee of the two Houses, appointed to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session, made a report ; which was read, and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House on the amendments proposed by the Senate, to the bill entitled "An

APRIL, 1794.]

Proceedings.

[II. OF R.]

act limiting the time for presenting claims for destroyed certificates of certain descriptions;" and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the committee appointed on the 21st day of February last, to prepare and bring in a bill or bills on the resolutions providing ways and means for defraying the cost of a Naval Armament, and the annual expense thereof, be discharged from further proceeding in the same, and that the said resolutions be referred to the Committee of Ways and Means.

MONDAY, April 7.

A petition of sundry inhabitants of the towns of Salem, Beverly, and Danvers, in the State of Massachusetts, whose names are thereunto subscribed, was presented to the House and read, praying a revision and amendment of the existing laws of Congress, granting bounties to vessels employed in the fisheries of the United States, so that the Collectors of the Customs may be authorized and directed to pay, both for the last year and in future, upon all vessels above thirty tons burden, and not exceeding sixty-eight tons, the addition of twenty per centum to the allowance of two dollars and a half for each and every ton of such vessel's admeasurement.

Ordered, That the said petition be referred to Mr. LYMAN, Mr. WINGATE, and Mr. HOLTEN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. SEDGWICK, from the committee appointed, presented a bill to augment the military force of the United States; which was read twice and committed.

Mr. CLARK submitted the following resolution:

"*Resolved*, That, until the Government of Great Britain shall cause restitution to be made for all losses and damages sustained by the citizens of the United States from armed vessels, or from any person or persons acting under commission or authority of the British King, contrary to the Laws of Nations, and in violation of the rights of neutrality; and, also, until all the posts now held and detained by the King of Great Britain, within the territories of the United States, shall be surrendered and given up, all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland, shall be prohibited: *Provided*, Such prohibition shall not extend to vessels or their cargoes, arriving in any of the ports of the United States, before the — day of — next."

Ordered; That the said motion be committed to a Committee of the Whole House to-morrow.

Mr. SEDGWICK, from the committee appointed, presented a bill directing a detachment from the militia of the United States; which was read twice, and committed.

Mr. SEDGWICK, from the committee appointed, presented a bill for raising and organizing a corps of artillerists and engineers; which was read twice, and committed.

The House resolved itself into a Committee of

the Whole House on the motion of the 2d instant, authorizing the PRESIDENT OF THE UNITED STATES to grant to the citizens of the United States commissions of marque and reprisals against the Regencies of Algiers, Tripoli, and Tunis; and, after some time spent therein, the Chairman reported that the Committee had had the said motion under consideration, and come to a resolution thereupon; which was twice read and agreed to by the House, as follows:

Resolved, That the PRESIDENT OF THE UNITED STATES be authorized to grant to the citizens of the United States commissions of marque and reprisals against the Regencies of Algiers and Tunis.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. SAMUEL SMITH, Mr. HARTLEY, and Mr. PARKER, do prepare and bring in the same.

The House again resolved itself into a Committee of the Whole House on the motion of the 27th of February last, providing for the payment of the interest on the balances credited certain States in the books of the Treasury; also, for the payment, by annual instalments, of the balances due from sundry of the States, on the final settlement of the accounts between the United States and the individual States; and, after some time spent therein, the Chairman reported that the Committee had again had the said motion under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That provision ought to be made by law for payment of the interest on the balances credited certain States in the books of the Treasury, upon the final settlement of the accounts between the United States and the individual States.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. HILLHOUSE, Mr. MURRAY, and Mr. THATCHER, do prepare and bring in the same.

Mr. SAMUEL SMITH, from the committee appointed, presented a bill authorizing the PRESIDENT OF THE UNITED STATES to grant letters of marque and reprisal against the Regencies of Algiers and Tunis; which was read twice and committed.

TUESDAY, April 8.

A petition of Joze Roiz Silva, of the city of New York, merchant, was presented and read, praying that he may be permitted to send the ship called the King David, with her cargo, from the port of New York to Oporto, in Portugal, she being actually cleared out for the place of her destination previous to the arrival of any account of an embargo being laid by the United States on all vessels bound to foreign ports.

Ordered, That the said petition do lie on the table.

The SPEAKER laid before the House a Report from the Secretary of the Treasury, on the representation from the Legislature of the State of

H. of R.]

Proceedings.

[APRIL, 1794.]

Kentucky, respecting the adjustment of a claim of that State against the United States, for the expense of sundry expeditions against the Indians; which was read and ordered to lie on the table.

Ordered, That a committee be appointed to bring in a bill to fortify the city of Annapolis; and that Mr. MURRAY, Mr. JEREMIAH SMITH, and Mr. WILLIAMS, be the said committee.

On a motion made and seconded that the House do come to the following resolution :

Resolved, That a committee be appointed to examine into, and report on, the practicability of obtaining a statement of the principles on which the accounts of the individual States with the United States have been settled, and a statement of the several credits allowed in the said settlement :"

It passed in the negative—yeas 39, nays 56, as follows :

YEAS.—Theodorus Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, William J. Dawson, Ezekiel Gilbert, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, William Irvine, Henry Latimer, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, John Page, Josiah Parker, Robert Rutherford, Thomas Scott, John Smilie, Thomas Sprigg, Thomas Tredwell, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Francis Walker, John Watts, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, Abraham Baldwin, John Beatty, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Isaac Coles, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, William B. Giles, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, James Hillhouse, Samuel Holten, John Hunter, John Wilkes Kittara, Amasa Learned, Richard Bland Lee, William Lyman, Francis Malbone, William Montgomery, Peter Muhlenberg, William Vans Murray, Nathaniel Niles, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Israel Smith, Samuel Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, Paine Wingate, and Richard Winn.

The House resolved itself into a Committee of the Whole House on the bill for erecting a lighthouse on the Island of Sequin, in the district of Maine; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill allowing Lieutenant Colonel Tousard an equivalent for his pension for life; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Ordered, That a committee be appointed to select and report such parts of the confidential communications made by the PRESIDENT of the UNITED STATES on the 24th of February last, as are proper to be made public; and that Mr. LYMAN, Mr. HARTLEY, and Mr. BENJAMIN BOURNE, be the said committee.

Mr. GILBERT, from the committee appointed, presented a bill for the relief of Leffert Leferts and others; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the memorial of Nicholas Rieb; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows :

Resolved, That the Accountant to the War Department be directed to adjust and settle the account of Peter Rieb, late an artificer in Colonel Benjamin Flower's regiment of artillery, in the service of the United States, from the 1st of May, 1780, being the time of his enlistment, until the 22d of August, 1781, on the same principle on which the accounts of those who served in the same corps were adjusted and settled.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FINDLEY, Mr. GREGG, and Mr. GILBERT, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, and what, alterations are necessary to be made in the act entitled "An act to enable the officers and soldiers of the Virginia Line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota;" and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows :

Resolved, That the second and sixth sections of the said act be repealed; and that, in lieu thereof, the PRESIDENT of the UNITED STATES be authorized to issue patents to any grantee or grantees, their heirs or assigns, upon application of such grantee or grantees, their heirs or assigns, provided that the plat or plats, duly authenticated, of the location and surveys of such lands, be first returned to the office of the Secretary of State.

Resolved, That provision be made by law, that all locations and surveys heretofore duly made upon the said lands, agreeably to the present laws and regulations of the State of Virginia, by, or on account of, the said troops, be ratified and confirmed.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. HEARN, Mr. NEVILLE, and Mr. ORR, do prepare and bring in the same.

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. OF R.]

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to consider and report on the propriety of remitting the duty on imported bar iron in certain cases; and, after some time spent therein, the Committee rose and reported progress.

The House resolved itself into a Committee of the Whole House on the bill to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American Army; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. CARNES, from the committee to whom was referred the memorial of the representatives of the people south of the river Ohio, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

—
WEDNESDAY, April 9.

An engrossed bill for erecting a light-house on the Island of Seguin, in the District of Maine, was read the third time and passed.

An engrossed bill for the relief of Leffert Lefferts and others was read the third time and passed.

An engrossed bill to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American Army, was read the third time and passed.

An engrossed bill allowing Lieutenant Colonel Tousard an equivalent for his pension for life was read the third time and passed.

A petition of John Gibbon, Treasurer of the State of Georgia, was presented to the House and read, praying that separate certificates may be issued for the pay of the officers of the late Georgia line, agreeably to a general certificate of the list of balances due to them, signed by the late Commissioner of Army Accounts, and lodged in the Treasury of the said State.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

The House resolved itself into a Committee of the Whole House, on the motion of the 7th inst., to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland; and, after some time spent therein, the Committee rose and reported progress.

Mr. HEATH presented a bill to amend the act entitled "An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the little Miami and Sciota;" which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the amendments of the Se-

nate to the bill entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions;" and, after some time spent therein, the Chairman reported that the Committee had had the said amendments under consideration, and made no amendment thereto. And, on the question that the House do agree to the said amendments, it was resolved in the affirmative.

Ordered, That the Committee of the Whole House, to whom was committed the bill sent from the Senate, entitled "An act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina," be discharged from the consideration of the same; and that the said bill, together with the representation of Richard Wade, and others, and the report of the Secretary of the Treasury thereon, be committed to Mr. BLOUNT, Mr. TALBOT, and Mr. DEARBORN.

—
THURSDAY, April 10.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House again resolved itself into a Committee of the Whole House, on the motion of the 7th instant, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland.

Mr. SEDGWICK said he was sorry to rise, unprepared as he was, as he had yesterday occupied as great a portion of the time of the Committee as perhaps he was entitled to. He had hoped some other gentleman would have risen, who, having better arranged his ideas than himself, had a preferable claim to the attention of the Committee. Unprepared as he was, he could not permit a question so important as that under consideration to pass, without entering against it his solemn protest: a question involving the dearest interests of our country, and threatening to exchange the unexampled prosperity it had for some years enjoyed, for all the horrors of war. He said he the more regretted the part he was obliged to take on this occasion, because he feared he should, in his vote, divide from many gentlemen whom he much respected; but as his opinion had been formed on mature deliberation, neither his honor, his conscience, nor the duty he owed to his country, would permit him to be silent. If the evils he foresaw should result from the measure under consideration, he wished it might be known that no part of them could with justice be imputed to him as their author. If, therefore, he should be so unfortunate as to stand single and alone, he would not fail to oppose, as far as he could, the measure before the Committee.

That injuries unprovoked and inexcusable had been inflicted by Great Britain on this country, was acknowledged by all. No man felt stronger indignation than himself at the insults which had been offered to our country, and the wrongs which had been done to our citizens; no man was less disposed tamely to bear the haughty and unprovoked aggressions of any foreign nation; no man

H. OF R.]

Non-Intercourse with Great Britain.

[APRIL, 1794.]

would go further to procure redress for our wounded honor, and indemnification for our injured citizens. If, after seeking reparation in the way dictated by prudence and humanity, happily prescribed by the modern usages of civilized nations and commanded by the principle of religion; if fair negotiation should be tried, and justice not obtained, he would then seek redress by the means which God and nature had given us. He remembered well the miseries and vices of war, a war in which he had taken a part. It was a war of honor and interest: he well remembered its circumstances and effects. He had lived to see the wastes of that war repaired; to see a state of order and security; to see his country progressing in all the means of happiness. No man who loved his country and rejoiced in its prosperity, would consent, but from inevitable necessity, to see it again plunged in the horrors of war.

Although all combined in opinion that our injuries were great, that they must be redressed, yet no one had suggested that war should precede negotiation. Respecting this, there was happily but one opinion. On every side of the House, it was acknowledged a duty indispensable in our present situation, to state our complaints of injuries to the authors of them, and to demand redress. We were only divided as to the manner of our application, and the circumstances under which our demand should be made. He had already, on another occasion, taken the liberty to declare his opinion of the line of conduct which was dictated by our present situation: that we should manifest that we were averse to war; but, should it become inevitable, we should encounter it with that undaunted spirit which became freemen, insulted in their honor and injured in their rights. He had the most perfect confidence in the bravery of our citizens. At the same time that he knew they would never surrender their rights, he was sensible that they would avoid, if possible, an unnecessary and wanton effusion of blood.

Gentlemen had disclaimed any intention to adopt any measures tending to war; they had said this measure had no tendency to such an event. This assertion he could not believe, because this measure contained a threat of inconvenience; and every threat of inconvenience was a cause of irritation, and every irritation between nations who had already differences to decide, undoubtedly tended to widen the breach, and of course to produce war. If gentlemen were sincere in their declarations, that all differences between America and Great Britain should be terminated by peaceable negotiation, (and he would not call their sincerity in question); if Great Britain was proud, haughty, and insolent, as she had been repeatedly denominated; was it probable, he asked, that she would be more inclined to do us justice, by enlisting her pride and insolence against us?

Mr. S. said, that the late violences by which the property of our citizens had been plundered, was the immediate and avowed cause of the present measure; that as yet no representation of these injuries—no demand for compensation had

been made; that such representation and demand should precede hostility was conceded by all. It only then remained to be considered, in what terms and manner such claim should be exhibited. In terms, he said, doubtless firm and decided; but if it was intended to produce the desired effect of peace, and to prevent hostility, the language should be decent and conciliatory. He called on gentlemen to show an instance, in modern times, where a nation complaining of injuries, but desirous of peace, had accompanied their demands of justice with threats of inconvenience? The opposite practice was universally established, and on the known principles of human nature. He appealed to the feelings of every honorable man in the Committee, whether demands for justice and reparation for injuries were enforced by threats? Whether repugnance to a compliance with such demands was not created by such means? If every man felt the operation of this principle, how much more powerful would it be on the minds of the Governors of a nation styled proud and insolent? He said he would charge no man with an intention to involve this country in all the horrors and desolating scenes of war. He could not, however, help declaring, that war or amicable negotiation evidently must decide the controversies between America and Great Britain, and that were his mind determined on the former, he should recommend those measures which gentlemen had brought forward to the consideration of the House, as the most operative means of rendering the event certain, and of banishing every prospect of accommodation. To seize on British property, to confiscate or sequester British debts, to annihilate as far as in our power her commerce, to starve her manufacturers, and to humble her pride; these were infallible means of defeating negotiation, and of uniting, as one man, that nation against us, in all the views of her administration.

It had been said, that a principal benefit to be expected from the institution of Republican Government was, that cool and temperate reflection would direct the conduct of nations. How far our conduct on this occasion had verified such an expectation, he wished gentlemen to reflect. He had himself fondly hoped, in the Government of this country, to have seen these principles exemplified, and all intemperance of expression, and all the heat of passion, banished. It had been said, that a statesman should be all intellect; never, surely, was a time or a country, which more required than the present time, and by this country, the exercise of cool temper, to the exclusion of passion, to conduct with safety the political machine through surrounding dangers. He well remembered a former non importation agreement; he remembered, too, its effects; they were such as might have been expected; they were such as to convince every cool and considerate man, that the measure itself was impolitic and unwise. It immediately raised the price of all articles of importation to an exorbitant and extravagant height. Hence it was immediately beneficial to importers and shopkeepers, and hence it may be easy to understand why this measure was said to be so popu-

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. OF R.]

lar in Philadelphia and other great towns. But, as the Representatives of the whole People of America, the Legislature ought to reflect, that in proportion as this measure would operate beneficially to the dealers in imported commodities, it would become burdensome and oppressive to those who are best entitled to our regard—the substantial yeomanry of the country—on whom we must principally depend for support, in the arduous conflict which we had too much reason to apprehend. If we must eventually support our claims by arms, the more property we could import before the commencement of war, the more beneficial would it be. In that case, the most wise and prudent policy would be, that which would give the greatest extent to our credit; and, on the contrary, the most unwise and wretched, that which would tend to deprive our people of the ordinary means of supplies.

If this system should prevail, were we to receive British productions through other countries? This would be injuring ourselves, without affecting Great Britain. Was there any other country which could give us the same supplies we wanted? There certainly was none. Were we to depend on ourselves alone, the inconvenience would be great, if not intolerable. What, he further asked, would become of our produce, in the event contemplated? Without entering into a minute detail, he said, he would venture to pronounce that a great part of it would perish on our hands.

It was, he said, doubtful, how far at any time the proposed system might go to distress Great Britain; but, at this time, it would afford facility to her in recruiting her fleets and armies. Were manufacturers and laborers thrown out of employment, and thereby deprived of bread, they would be alike stimulated by want and despair to fight the battles of their country, against those who had reduced them to necessity. In short, he saw nothing which should stimulate the Legislature to adopt this measure, but passion without, and resentment within, these walls. He saw nothing in the system itself, as it respected Great Britain, but vain and ineffectual irritation; nothing in relation to our own country, but defeat, wretchedness, and want.

He said he had taken the liberty to suggest to the Committee certain Constitutional considerations. The answers which had been given had by no means been satisfactory. It was incumbent on gentlemen who had so frequently warned us of the danger of usurping power—who had so frequently, and in language so animated, charged us to avoid grasping power, by implication and construction; it was incumbent on those gentlemen, would they preserve consistency of character, clearly to demonstrate the authority which they assumed, that it might not be supposed that their construction of the Constitution was a convenient accommodation to the existing circumstances. It was not now a question whether the people had made a wise or prudent distribution of the powers of their Government: they had declared their will, and that will we were bound by every consideration of honor and duty to execute.

In the instrument under which we acted, they had declared that the PRESIDENT, under certain modifications, should be their organ, to treat exclusively with foreign Powers. This authority, thus exclusively delegated, includes all the terms on which a treaty could be formed. What was the present measure? Prescribing the terms of treaty, and restraining the Constitutional power from treating on any other terms. If the Legislature could prescribe those terms, in this instance, it may then prescribe all the terms, in every instance; and of course control, in all things, the exercise of that power.

To this reasoning two answers have been given; the one by a gentleman from Pennsylvania, [Mr. SMITH,] that the Legislature might make such a law, because the Executive could repeal it. He really could not comprehend the force of the reasoning; he was glad, however, he could, with perfect confidence, contradict the assertion, which he was sure would be a very disgusting one to the people of America. There was, in fact, in no instance, an authority given to the Executive to repeal a Constitutional act of the Legislature. The other answer was that given by a gentleman from Virginia, [Mr. NICHOLAS,] that there could be no objection to the exercise of this power, if it should be assented to by the PRESIDENT and Senate. This was still a more extraordinary and unsatisfactory answer than the other. It implied that the PRESIDENT and Senate could make grants of power to this House not contained in the Constitution. To this he would answer, that all the powers which the House could legally exercise, were expressed in the instrument under which we acted; that those powers could be neither enlarged nor abridged, by any man or body of men on earth, but in the way pointed out by the instrument itself.

Mr. S. said, these considerations he had expressed without any previous preparation, as they occurred to his mind. Should gentlemen who viewed the subject in the light he did remain silent, he would, in the further progress of this measure, he pledged himself, with more orderly arrangement, and he hoped with more perspicuity and force, address himself to the consideration of this Committee, or of the House. It would avail little to tell him that his opposition would be unpopular; no man more than himself wished the good opinion of his countrymen, but no personal inconvenience, no loss of fame or popular affection, should ever induce him to see his country threatened with evils incalculable in number and duration, without warning her of her danger; a country which he loved, and which he might, on this occasion, be permitted to say, he had long served with honest fidelity, and without a single instance of sinister or mere personal regard.

The Committee now rose, and had leave to sit again.

FRIDAY, April 11.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House again resolved itself into a Commit-

tee of the Whole House on the motion of the 7th instant, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland.

Mr. Boudinot first rose this day, and said: Mr. Chairman, in a question of so much national importance, there needed no apology from any member of the Committee for claiming their attention, while he gave the reasons for his vote. The impatience shown by his colleague, [Mr. CLARK] or any other gentleman, for the question, ought not to influence any member of the Committee. When the fate of a nation of as much consequence as the United States, appeared to be suspended on a vote, the least to be expected from gentlemen was, to act with freedom, deliberation, and independence. He supposed he should be among those who, at the taking of the question, would probably be found in the minority. That this would be his vote, if he was convinced that he should be single and alone. He felt himself deeply and seriously affected with a view of the precipice on which, in his apprehension, his country seemed to stand, and he wished, for his own part, to take a full and deliberate view of it, before he joined in precipitating a leap, that might not add to her safety or happiness. Reasoning and not declamation should be expected from gentlemen in favor of the measure under consideration.

He said, he would address himself to the judgments, and not to the passions of the Committee. He acknowledged it might fall to his lot to mistake the true and essential interests of his country; but, if this should be the case, he had the satisfaction of knowing that it would arise from the most honest and upright intentions. It was, therefore, on these principles, that he should proceed in giving his opinion on the important resolution on the table.

But, before he went further, he could not forget the respectful compliment paid yesterday by his honorable friend from Maryland, [Mr. SMITH] to his moderation and grey hairs; indeed, he should not have taken it to himself, as he had the honor of having white, instead of grey hairs, had not Mr. S.'s attention been immediately fixed on him. If either age or moderation would command his worthy friend's close consideration of this subject, he besought him, as well as the other gentlemen of the committee, to join in attending to it calmly and seriously for a few moments, before the die was cast. He said, he owed much, on behalf of his country, to that gentleman for his services in the field during the late war, when both his zeal and his passions were rendered so eminently useful, that he could with pleasure apologize at all times for his warmth and animation on any subject when their common country was not to be affected. But would he permit him, earnestly, to request that, with other members, he would call to mind, that they were now the Representatives of four millions of people? That perhaps the lives of thousands of their fellow-citizens were depending on a single vote. That the welfare of a country, dearer

to them than life, was at stake. Gentlemen must, therefore, agree, that the question was a serious one, and deserved to be treated with the most serious and deliberate consideration. Judgment, and not resentment, should direct the final determination, let it be what it may, and give a sanction to all their measures.

He observed, that gentlemen against the question had been accused of want of propriety, in looking calmly, and without the exercise of their passions, on the sufferings of the unhappy prisoners at Algiers, and the piratical spoiliations of our fellow-citizens in the West Indies. Yes, sir, said he, when he knew that it was neither passion nor declamation that could afford effective relief to these suffering members of the political body, he should continue to persist in that steady, serious, and deliberate line of conduct, that, in his estimation, was only calculated to produce that permanent and efficient aid and relief, which their extreme distress so loudly called for; but, in his turn, he asked gentlemen to give up their warmth on this occasion, that they might also reflect, even without passion, on the number of their fellow-citizens that must fall a sacrifice in the most successful war. Will not gentlemen weigh well that vote, that may possibly increase the number of mourning widows and helpless orphans?

These considerations had led him to consider the measure now proposed, as of great moment and importance, and to wish it might be reasoned on and considered in a manner becoming Legislators and Representatives of United America, who have been sent here as her counsellors and trustees, and to whom she has committed her best and most sacred interests. He said, for argument's sake, and to simplify the debate, lest he should be drawn into unnecessary disputation, he should concede for the present: The constitutionality of the resolution proposed; the right of the Committee to originate and determine on the measure; the unprovoked aggressions of Great Britain to warrant and justify the prohibition.

These arguments had been repeated and urged with great apparent force, by gentlemen in favor of the affirmative side of the question, but, were the principles arising from these facts sufficient to justify a determination in favor of so harsh and unprecedented a proceeding, without previously demanding an explanation and full indemnification, agreeably to the customs and usages of other nations?

Would arguments of this kind satisfy our constituents, if they should find themselves suddenly plunged into an expensive and ruinous war? Would it not very naturally be asked, why were not the true interests of the United States under these existing circumstances carefully inquired into, and made the principal and leading object of attentive consideration? In his opinion, this should peculiarly be the sum of their present inquiry—was it not the duty of the Committee critically to examine into the preparation they were in for a step, that in the imagination of some gentlemen of character and reputation, at the last, might precipitate our country into an immediate war? Were our

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. OF R.]

ports and harbors in any tolerable state of defence? Were our magazines and arsenals properly supplied? Were our citizens in a state of organization as a militia? In short, did not the measure threaten a sudden transition from a state of profound peace and happiness, unequalled by any nation, into a state of war and bloodshed, without taking those previous and prudent measures that might probably lead to an avoidance of this national evil, or at all events enable us to meet it with decision and effect?

Gentlemen had referred the Committee to the conduct of America, in 1776, and the success of the late war has been urged for our encouragement. The non-importation agreement has been resorted to as a precedent in point. He said, he was well acquainted with most of the events of the late Revolution. The first motions towards it, found him engaged in the common cause, and his best endeavors to complete and secure it, had never since been wanting. He well remembered the consequences of the non-importation agreement, and the sufferings of our brave fellow-citizens from that imprudent measure. He had tracked them over the frozen ground by their blood, from the want of shoes, and was sensible, that many had perished by the inclemency of the season, for want of tents and clothing; that agreement was universally reprobated, as a measure imprudently entered into on the principle of expecting to be involved in a war, which had it been then contemplated, nothing could have justified. Mr. B. appealed to the knowledge of many men who heard him, that this agreement had often been urged to Great Britain, as a conclusive evidence, that at the time of its adoption, America had not the least intention of independence, or a separation from the Mother country; otherwise, she could never have been guilty of so impolitic a resolution. He asked, then, if the Committee would now repeat the mistake with their eyes open, and expose our country to the same misfortunes, and our fellow-citizens to a repetition of sufferings, by a measure that promised not one important advantage to the Union that he had heard of? In the late war, America had all the ports and harbors of the other European nations open to her, but now circumstances would be altered; in case of a war, the very reverse would be our position, excepting as to those of France.

Mr. B. confessed, that his arguments were founded on his conviction that the resolution was a measure that would necessarily produce war, immediate, inevitable war.

His reasons were drawn from the present state of Great Britain, being in alliance with the principal Powers of Europe, and under treaties to make all wars, arising from the united opposition to France, a common cause.

The necessity she would have of employing her supernumerary hands, if not in manufactures, in her armies and navies, to prevent trouble at home, added to her old grudge against us on account of principles, that promise much trouble to all the Monarchs of Europe. Her late conduct with regard to our trade, founded on the instructions of

the 8th June, and 6th November last. Her withholding the posts, contrary to every principle of justice and good faith, and against the most positive assurances. And lastly, from the anxiety to regain the Territory between the Lakes and the Mississippi. He agreed that neither of these singly, nor even the whole together, could justify her in her own opinion, in making an open attack upon us, but might tempt her to construe the measure before the Committee into an act of hostility on our part, as contrary to our professed neutrality. He said, it was a point conceded in the Laws of Nations, that granting to one of the belligerent Powers advantages in your ports, which were refused to another, was a breach of neutrality.

The object with Great Britain would be, to convince her allies, that the aggression arose on account of the war with France, to prevail on them to make it a common cause; and in this they would not want plausible evidence. It was not sufficient, he alleged, that we knew ourselves innocent of the charge. We should be prudently careful not unnecessarily to give reason to justify the construction. If the previous steps of negotiation, used by all civilized nations, were neglected, they would have the advantage of the argument and we should injure ourselves. He asked if any gentleman would say that a prohibition of commerce at the eve of a war, or even the apprehension of it, was wisely calculated to clothe an army, replenish our magazines, supply our arsenals or provide a revenue by which to support a war?

He wished every member had taken the trouble he had done, of looking into their stores, inquiring what was on hand, calculating what would be absolutely necessary, and reflecting seriously and dispassionately on the sources of supply. If they had, he doubted not but that they would find something more than passion and resentment necessary, to meet the probable consequences of so premature a determination.

It was no uncommon thing for gentlemen to differ on important measures; and he would not even insinuate, that he might not be found wrong in these ideas, and wholly mistaken in his conjectures on this occasion, but he begged members to consider the different ground on which the two sides of the House stood. If the minority, of whom he expected to be one, should in the end be found to have been alarmed with consequences altogether unfounded, and that the issue proved successful to the peace of our common country, they would have the happiness of rejoicing with the majority in their superior wisdom and foresight; and though even they should suffer in character, yet their country would be saved. But if the minority should in the end be right, and our country should be deluged in a destructive war, and her best interests be endangered by the discovery of the mistake too late for redress, gentlemen in favor of the resolution, would seriously regret, that they had not at least used more caution.

He said, as at present advised, he should give his vote against the resolution. It would be from a thorough conviction, on the most careful exam-

H. of R.]

Non-Intercourse with Great Britain.

[APRIL, 1794.]

ination, that the resolution was against the interest and welfare of the United States, all circumstances considered. And this he should do, wholly regardless of the malevolent insinuations that Britain had an influence in that House. He felt a conscious dignity of mind, a virtuous pride of heart, in believing that it was not all the wealth of that opulent nation could purchase his influence to a single measure injurious to his country; and under that conviction, he could not believe there was a member of the Committee in a different predicament.

He again repeated, that he should most sincerely rejoice, if this measure should be adopted, to find, in the end, that his mind had viewed it, as productive of consequences that were wholly unfounded; and, although under his present view of the subject, considering it as inimical to his country, he was bound in conscience to vote against it, yet the Councils of America were directed by superior wisdom, and that this country had reaped the rich harvest of peace and happiness. But it might now be asked, if it was meant passively to submit to the injuries acknowledged on all hands to have been sustained by the imperious and overbearing conduct of Great Britain? He answered no, by no means.

He would follow the examples and pursue the measures of other nations in like circumstances—examples and measures founded in policy and sound understanding. He would by a special Envoy, make known to that Court, our sense of her unwarrantable aggressions; he would demand immediate indemnification for the present, and security against future sufferings of the like nature—in sist on a categorical answer, after applying to her justice and best interests; and if at last a war must be only means of obtaining justice, he would then (being previously prepared) meet it, as became a free and independent nation, trusting to the righteousness of her cause.

By this means the other nations of Europe would be made acquainted with our complaints—become witnesses to our love of peace, and bear testimony to the justice of our appeal to arms. He said, he had fully considered the question—he had viewed it in every point of light—he had endeavored to consider the consequences which most probably would arise from it, and he could not convince his mind, that the measure would be productive of any good to the United States, while it offered many reasons to conclude, that it might be fraught with the greatest evil. In case of the most successful war, America had nothing to gain, while her loss of blood and treasure was sure and certain. He had once flattered himself that this was the only country on the globe, whose interest it was to be at peace with all the world, and at the same time the interest of all the world to be at peace with us. But he feared we had been so much actuated by a resentment of injuries received, as to lose sight of our true interests under existing circumstances, and, therefore, should be hurried into measures we might hereafter have reason seriously to lament.

The Committee now rose.

MONDAY, April 14.

A petition of Philip Allen and Zachariah Allen, of Providence, in the State of Rhode Island, merchants, was presented to the House and read, praying that they may be exonerated from the payment of the duty imposed on foreign vessels, to which they will be subjected in the case of the ship *Marie Indienne*, which was purchased by the petitioners in the Isle of France, to bring home the cargo of the brigantine *Abigail*, an American bottom, which was rendered unfit for the voyage, and incapable of being repaired; also, that a special act may be passed, authorizing the Collector of the district of Providence to register the said ship as a vessel of the United States.

Ordered, That the said petition be referred to Mr. BENJAMIN BOURNE, Mr. FOSTER, and Mr. S. BOURNE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. MURRAY, from the committee appointed, presented a bill supplementary to "An act to provide for the defence of certain ports and harbors in the United States;" which was read twice and committed.

A memorial of sundry citizens of the City of Annapolis, in the State of Maryland, was presented to the House and read, praying that Congress may adopt such measures as in their wisdom shall be deemed most expedient and effectual for placing the said City of Annapolis in a state of defence.

Ordered, That the said memorial be referred to the committee last appointed.

On a motion made and seconded that the House do come to the following resolution:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the present embargo be continued, and every regulation concerning the same shall be in full force until the — day of —."

Ordered, That the said motion be committed to a Committee of the Whole House to-morrow.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House again resolved itself into a Committee of the Whole House, on the motion of the 7th instant, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland.

Mr. SWIFT commenced his observations by remarking that it was extremely painful to consume the time of the Committee in discussing a measure, when it was apparent that there was a decided majority against the opinion which he entertained. But the resolution on the table deeply affected the interest of his country, and would probably be productive of the greatest injury; he therefore deemed it proper for him to offer his sentiments on the subject. He said, if we turned our attention to a period not very remote, we should find our country flourishing in the highest prosperity and felicity; but the prospect had lately been changed. We have been attacked on all sides, and our commerce nearly destroyed. In

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. OF R.]

the West Indies, we have not only suffered spoliation on our trade, but our citizens have been exposed to the most aggravated insults and abuse. All wished, to obtain redress for these injuries: the difference of opinion respected mode. It was, therefore, extremely unfair to charge the gentlemen who opposed this measure with tameness under the insults and injuries offered to their country, because they deemed this mode to be inefficient, when they declared their readiness to pursue those measures which they conceived were most effectual to obtain satisfaction for the injuries we have sustained.

The gentlemen who advocate the resolution on the table, contend, that it is calculated to prevent a war, to preserve peace, obtain satisfaction for our injuries, and bring Great Britain to her senses. If such would be the effect of the measure, no person would oppose it. But what reason have we to believe that such will be the effect it will produce? The only principle by which the measure can operate, is, that so important and interesting to Great Britain is our commercial connexion, that rather than sacrifice it, they will comply with our terms. But can it be said, that our commerce is so important to them, that to deprive them of it will necessarily produce this effect? The contrary was demonstrated in the late war, which terminated in our Revolution. The British nation were able to exist not only without our commerce, but, at the same time, to carry on a war against us and against France, Holland, and Spain, in which they obtained victories over the fleets of those nations. All this they were enabled to do without our commerce, and they cannot now be said to be so dependent on us that they cannot live without us. It cannot, therefore, be said that this measure must necessarily produce the effects which are contemplated.

Mr. S. observed, that there were conclusive reasons to believe that the resolution would not produce such effects. It must certainly be considered as containing a menace—a threat, and as dictating terms to Great Britain. All acknowledged that nation to be haughty, insolent, and imperious, in the highest degree. Will not their pride and importance be wounded at an attempt to impose upon them the conditions by which our commercial connexion is to be continued? Will they not consider the national dignity to be insulted? Will it not excite a resentment and indignation that will preclude all possibility of reconciliation? The sentiments of the British nation in these respects are by no means to be justified, but if we intend a negotiation, we ought to pursue it in such a manner as will probably produce success, and not address a proud nation in that menacing tone which will defeat the object we wish to obtain. It happens that some gentlemen have made singular calculations upon the success of this measure. They suppose that if Congress pass an act prescribing the terms of accommodation, and transmit it to our Minister resident at London, that Great Britain will be alarmed and frightened at the prospect of the loss of our commerce; that they will immediately comply with our terms, and make us

the reparation we demand. An act of Congress is to govern one of the most proud, insolent, and powerful nations on the globe. If we are not proud and insolent, we at least have a claim to a liberal share of vanity and self-confidence. This would be an excellent instrument to govern the British nation; but we have reason to think that they will laugh at the idea, instead of being frightened.

Mr. S. then remarked, that we ought to pursue a different mode; that, by the Laws of Nations, negotiation, unaccompanied by any menacing measures, was the proper step, and there was the fairest prospect of success. He considered the controversy and dispute subsisting between Great Britain and the United States to be in a situation peculiarly proper for negotiation, and that there was the fairest basis for explanations and accommodations. He said that no complaint had been made on our part to the Court of Great Britain, stating our injuries, and demanding satisfaction; and that when Mr. Pinckney, our Minister at London, demanded an explanation of the intention of the British Court, by the order of the 6th of November, they declared that no condemnations were to take place in virtue of it, which would not have been legal if the order had not been issued. A construction was put upon that order by the Ministry, which denies the principles on which the condemnation in the West Indies had been founded, and which of course disavows the transactions of which we complain. We may, therefore, fairly suppose that the Court of Admiralty in the West Indies have contradicted the orders and intentions of the British Ministry. We have not heard what effect these condemnations of our vessels have had on the British Court. If we should state to them the injuries we have sustained—which we ought to do, as they have been committed in a remote part of their dominions, apparently contrary to the design of the Court—there is the strongest reason to believe that we shall obtain redress; because, by their own construction of the order of the 6th of November, they have disapproved of the principle by which the injuries have been committed, and of course they are bound, by their own construction, to make us that satisfaction which we demand.

Mr. S. said, if we conducted a negotiation without giving offence, it was probable we should obtain the influence of the British subjects in our favor. If, when the American merchants in London, discovered the order of the 6th of November, they were alarmed, and immediately demanded an explanation of the Court, this shows that there is a powerful interest in that country in favor of a commercial connexion with this. If we do nothing to wound their pride, this influence will be exerted to preserve the connexion. The mutual interest and welfare of both countries may be fairly taken into consideration, in adjusting the dispute. But if we adopt a menacing measure, offensive to the nation, we shall lose the influence of our friends in accomplishing an accommodation. While such is the state of our affairs, we ought to try a fair negotiation, on equal and liberal

terms, unembarrassed by any menace or insult, and there can be no doubt but that the measure will be attended with success. But if Great Britain will not negotiate and do justice to this country, Mr. S. pledged himself to support the most energetic measures to assert our rights, and maintain our national dignity. When war had become unavoidable—and that time might happen—he would meet it with firmness and fortitude; but while it was possible to preserve peace, he conceived it to be a duty he owed to his country to do all in his power to preserve it.

Mr. S. observed, that while he considered negotiation to be attended to by all nations, he had particular reasons to wish that it might be adopted by the United States. He wished that this Republic might establish and act upon a principle which was calculated to bring national disputes to an amicable accommodation and prevent the calamities of war.

Mr. S. then remarked upon some particular objections to the resolution. He said that the surrender of the Western posts and payment for negroes carried away contrary to the Treaty of Peace was a subject of controversy that had no connexion with and ought not to be connected with the spoiliations committed on our commerce; and was calculated not only to prevent the obtaining of that compensation to which our merchants were entitled, but to cut off forever all commercial intercourse with Great Britain. It is a well known fact, that Great Britain has charged the United States with being guilty of the first infraction of the treaty, and that the United States have retorted the charge. While they seriously believed, that we were the first violators of the treaty, what would they say to an act of the Legislature which renounced all connexion with them, unless they would fulfil the terms of a treaty which they considered themselves to be discharged from by our first violation? Could it be expected, that they would comply with terms so haughty and insolent? Could any person suppose that the proud nation of Great Britain would humble themselves before us in this manner? Would they not consider their national honor to be affected, and abandon all connexion with us before they would submit to terms so humiliating and degrading?

Mr. S. remarked, that he did not mean to say, that the United States first infringed the treaty; for the purpose of his argument, it was sufficient to say, that Great Britain thought so, and such being her impression the same consequences would follow as if such was the fact. And the dispute respecting the Western posts, which could be of but little importance to this country, might forever interrupt a commerce which was of the greatest importance. He did not think that the Western posts were worth so great a sacrifice.

If this resolution be adopted, we cannot recede in honor unless there be a compliance with every article. It may then happen that a dispute respecting some trifling subjects may prevent a restoration of that commerce which will be of great and important value. But if we do not in the first instance give them our ultimatum we may

discover the terms on which they will negotiate, and then it will be in our power without any embarrassment from an antecedent law to consider what is best to be done, and make any concession that our interest requires and which is compatible with honor.

If Great Britain should be disposed to negotiate and comply with the conditions we offer, such is the nature, variety and extent of our disputes, that the discussion and adjustment of them would require so great a length of time, that the loss arising from the interruption of our commerce during that period would be of greater consequence than the objects of dispute. For, if this measure be adopted, we must expect a total interruption of all commerce with all parts of the British dominions, as relative to exports as well as imports, for though the resolution only contemplated the prohibition of manufactures from Great Britain and Ireland; yet, we might be satisfied that Great Britain would not give us a trade that was profitable only to ourselves.

Mr. S. observed that we ought to consider that if this proposition should be adopted what great alterations would take place in the value of property; foreign articles would rise, and domestic fall. An immense profit would accrue to the owners on the Spring goods which might arrive before it was intended that the act should commence its operation. There could be no doubt but that in a short time a variation in the value of property contrary to the interest of this country would take place to a far greater amount than all the spoiliations which had been committed on our commerce. Merchants who had large quantities of goods on hand, would profit by the measure, and the agricultural part of the community would be obliged to sustain the loss.

It had been suggested that the people were anxious for the measure. It was probable that some, who had a particular interest to serve, by the interruption of trade, were in favor of it; but the most considerate part of the community were by no means of that sentiment. But let the popular opinion be what it would, too much had been said about it. We are not to be influenced by such considerations, but are only to regard the public welfare. That we ought to guard against all popular influence as being of the most dangerous tendency. That there was no danger to be apprehended from the Government; that it had not the power, and had never shown any disposition to encroach upon or oppress the people; that the only danger that exists is from the encroachment of the people on the Government, and if the Government ever does fall, it will be owing to the too great prevalence of a local popular influence, which does not speak the general sense of all the community.

But if this resolution should be rejected and a negotiation pursued, it will be accompanied with an implied declaration that if it fails, the United States will take proper steps to obtain redress, which will have all the influence to enforce and facilitate a negotiation that can be derived from this measure, unembarrassed with any of the in-

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. OF R.]

conveniences. If the negotiation should fail, we can have recourse to this measure with the same efficacy then, as now, and it will produce the effects: for our commerce must be as important to Great Britain at the end of six months as now.

It had been suggested that the opposers of the resolution were under British influence and interest. Mr. S. did not intimate that any gentleman of the Committee had thrown out that idea, but he said it was a popular opinion, and very prevalent. He remarked that the charge was unjust, cruel, and unfounded; that for himself, he felt no influence; he stood on American ground, and was influenced only by American feelings. He did not advocate any commercial connexion with Great Britain from any regard to that nation, but merely from a regard to his own country, whose interest he conceived to be promoted by that connexion. He remarked that some, who were considered as British agents, had boasted of their influence in the Legislature. He declared that no such influence existed; and that he most heartily despised those persons, who had the effrontery to pretend that it did exist.

Mr. S. remarked that a popular opinion in some parts of the Union had been prevailing, that many of the Representatives in Congress were under such an influence arising from the funding system, that they dared not adopt measures necessary for the public defence, for fear the interest of the national debt should remain unpaid. He said that a most unreasonable and unfounded jealousy respecting the funding system existed among the people; that he was satisfied, during the time he had held his present office, that no measure had been influenced by an exclusive regard to the public debt; that he had never owned a farthing in the public funds; but he considered that, let whatever events take place, the national debt must be paid; that if it were necessary he would vote for a land tax for that purpose, for he considered the faith of the Government pledged for the payment of that debt, and he would never violate the national faith; such being the security of the debt, none of the holders had any reason to apprehend a failure of payment, and therefore none of the Committee could be influenced by an apprehension of the failure of payment.

Mr. S. said that we ought to consider the tendency of this measure to a war. Many of the friends of it had denied this, and declared that they considered it to be a peaceful measure; but will all say this?

A gentleman from New Jersey [Mr. DAYTON] has said that he is in favor of it; because he considers it to be a stepping stone to the threshold of sequestration. Mr. S. said that he respected the virtues and the talents of that gentleman; he believed his integrity to be unimpeachable, and that he acted from the purest motives; that he did not wish to wound his feelings, but that he was bound in duty to express his sentiments respecting any proposition he should make; he considered the proposition of sequestration as connected with this measure by what the gentleman himself had said, and from thence he derived an argument against

it. He had said that this resolution was the stepping stone of sequestration; if that be true, Mr. S. said he should step on this stone with horror and indignation; he should consider it to be the step stone to the temple of infamy, wretchedness, and ruin; he considered that it would not only involve his country in disgrace, but in all the calamities of a war.

He said that gentlemen ought to unfold the whole system of their measures with their object and design, and not deceive people into measures which they would reprobate if they knew the consequences; that he believed while there were gentlemen who had nothing but peace in view, that there were many who intended to defeat a negotiation, to dissolve our commercial connexion with Great Britain forever, and who were willing to plunge us into a war with that nation. If gentlemen had not that design, let them come forward and declare it; but while there was reason to suspect such a design, the gentlemen who were in favor of the resolution under consideration, but intended nothing more, ought to be cautious how they adopted a measure that would lead to the most mischievous consequences.

On a full consideration of the subject, Mr. S. said that he was convinced that this measure would lead to a war; but if a fair negotiation should be attempted, he had no doubt but that all controversies might be settled, ample satisfaction obtained, commerce restored, and that our country would continue to flourish and prosper.

Mr. SMITH (of S. C.) was opposed to the measure, because it was inconsistent with that spirit of negotiation which was contemplated not only by the Executive, but by Congress; for, although some members seemed adverse to any further attempt at negotiation, yet it was evidently the wish of a considerable majority to give it another trial.

The measure carried with it a menace: it held out this language: that, unless Great Britain would consent to certain measures, the United States would punish her by certain other measures. This language had a direct tendency to defeat all negotiation; for no nation would ever treat on such terms. Even were Great Britain disposed to make complete satisfaction for every injury, her pride would restrain her from making concessions which might appear the result of threats and apprehensions.

This has been compared to the case of an individual, and it had been shown that, in common life, no man of spirit would make atonement for an injury when demanded with a threat of punishment, if withheld. Mr. S. applied the case to ourselves. He brought it home to the feelings of the members themselves, and he asked if they, under similar circumstances, either as private or public characters, would not, from a spirit of national pride, spurn at the idea of having redress extorted by menaces?

Great Britain would be disposed to make or withhold reparation according to events in Europe, and according to her view of the advantages or disadvantages resulting from a war with the United States. By that view would her an-

H. OF R.]

Non-Intercourse with Great Britain.

[APRIL, 1794.]

swer be governed. Should the Cabinet of that nation hesitate with respect to peace or war, a measure like this would undoubtedly decide them against peace. Their language would naturally be, "we were disposed to accommodate all differences on the most amicable terms; but such a disposition, under the present circumstances, would appear to be the result of fear excited by your threats, and commit our reputation in the eyes of all the world. You must, therefore, pursue your measures, and we shall pursue ours." Mr. S. asked whether this would not be the language of every nation in a like situation? He was persuaded it would be ours. There was nothing pusillanimous in asking reparation in decent terms, unaccompanied with threats. It was the common practice of all nations. Genoa had recently, though her neutrality had been violated, and her port blocked up, sent an Envoy Extraordinary to Great Britain to demand satisfaction. Her demand was couched in mild and civil language; yet Genoa was universally applauded for her firmness and the dignity of her conduct as a neutral Power. It was not enough to say that we had been grossly insulted; this was admitted in its fullest extent. But every nation, when it required redress, was previously insulted. The very demand of satisfaction implied antecedent injury. Nations, however, negotiated without threats. Why, then, did gentlemen so frequently cry out, what! shall we negotiate with a nation which has violated our rights? He would ask those gentlemen, when negotiation was necessary, but in the case of violated rights? He would further ask them, whether they were not the first to urge negotiation with the Dey of Algiers, who had captured our vessels, and degraded our miserable fellow-citizens to the level of beasts of burden? Whether they did not oppose the Naval Armament, lest it should irritate the Algerines, and prevent the success of negotiation? Was it not the constant policy of this country to negotiate with the Indians when practicable, rather than to make war with them? Why, then, raise objections to a negotiation with England? Or why, after having admitted that negotiation shall be attempted, defeat it by these projects? If a majority of the House are ripe for war, let us say so, and act consistently; but let us not hold one language at one time, and contradict it at another; let us not say we are for peace, and immediately adopt a war measure.

Mr. S. inferred from these observations, that negotiation being determined on, he was bound to resist any and every act which tended to frustrate that negotiation. But, while he was thus for the *suaviter in modo*, he was, at the same time, for the *fortiter in re*, and he called upon the advocates of this scheme to join him in those measures, which, at the same that they were free from the foregoing objections, would, in his opinion, either give effect to the negotiation, or prepare us for the event of its failure.

A gentleman had said, we have fortified our harbors, we have filled our arsenals, we have increased the Military Establishment: now we

must do something more. But the gentleman, in the warmth of his imagination, had mistaken things to be done for things actually done. The fact was, that the gentleman was entirely unfounded in all these assertions. We have not fortified our harbors, we have not supplied our arsenals, we have not augmented our military strength. It is true we have it all on paper, but the very revenues necessary for the existence of all those essential points, are not yet reported by the Committee of Ways and Means; and, until those revenues exist, the laws we have passed will be of little avail.

It was proposed by the law, that the non-importation should not take effect till November next, and that distant period was fixed for its operation, to afford time for the result of the negotiation, and that Congress might previously be in session, in order to repeal the law if the negotiation should succeed. Thus, while the very law itself admitted the propriety of a negotiation, it carried with it the very death-wound of all negotiation, by expressly purporting to be *in terrorem*. If it was not intended as a threat, why not wait till November, and then adopt the measure, if expedient. Suppose this House should in November deem the measure inexpedient, they cannot repeal it without the concurrence of the Senate and PRESIDENT. Thus they forestall the judgment of the House, and deprive themselves of that independence which they ought to possess, to act in the next session according to their then view of things.

Some members had proposed the 1st of November, in order to admit the Fall goods; but, if that was the design, the period would be an improper one, for it would be extremely unequal in its operations. In some of the States, the Fall vessels might generally be arrived by that time; but, in some of the Southern States, they would be generally excluded, and those States deprived of their expected supplies.

He further objected to the measure, on the grounds of its dictating the terms of negotiation, which was not within the province of this House, and was therefore interfering with the Executive, and so far a departure from the spirit of the Constitution; but this ground having been fully discussed by other members, he should not dwell on it.

One member had expressed an affection for this measure, because it was, as he had termed it, a stepping-stone to sequestration. Mr. S. thought it would be more properly called a stumbling block to negotiation. He disapproved of it in both shapes. He objected to it, both as to the mode in which it appeared, and as to the time: as to the mode, because it specified particular grievances, and thus, while it embarrassed our Executive, it menaced the Executive of the nation with whom we were to treat, and made the redress of those specific grievances the *sine qua non* of all future intercourse; as to the time, because it was not to take effect till the next session of Congress; there could be no other view in passing it now, but that it might operate as a

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. of R.]

threat; and, as this intention could not be mistaken, it would undoubtedly defeat all accommodation. Such being his view of the subject, he could not reconcile it to his duty to vote for it. He thought Congress owed it to their constituents to avoid a war, if possible. The ground of negotiation being taken, they were bound to reject every measure which might have a tendency to defeat it, and to do every thing which might give it a fair chance of success. But while he said this, (as a neutral nation could not justly give umbrage by taking measures to support her neutrality and assert her just rights,) he pledged himself to concur in every act which might place us in a condition to make ourselves respectable, to vindicate our national honor, and to obtain ample retribution for any wrongs which the course of events might leave unredressed.

Mr. DEXTER introduced his observations by remarking that he had never risen with so great reluctance on any former occasion. At so late an hour when patience seemed exhausted, when reasoning had given place to invective, when to oppose the resolution was but soliciting reproaches, when the friends of it, confident of a majority, were from all sides of the House impatiently calling for the question, when the mover of it heard arguments against it only that he might treat them with contempt, and their authors with insult, he said it was in vain to ask for an attentive hearing. He should not have risen but for a remark just fallen from a gentleman from New Jersey, [Mr. DAYTON] which had forbidden him to be silent. That gentleman, said Mr. D., has told us that the present measure is a stepping-stone to sequestration of British debts. Viewing it therefore as the beginning of a system of hostility, which is to be so conducted as to sacrifice not only our interest and peace, but our national honor, the duty to resist it becomes indispensable. Whatever may be thought of making laws to annihilate the ties of honor and personal confidence, and to dissolve the moral obligation of contracts; whatever may be thought of the modern usage of nations, which probably from general consent has become a law, which cannot now be violated without perfidy; whatever might be thought of the odium it might bring on our national character, and the complete destruction of our credit at a moment when we shall need the utmost extent of it; we have not taken those previous steps for pacific accommodation, which the custom of nations and all writers of authority hold to be the first in order and indispensable. We have not made that demand for a recompense, which ought to precede every species of reprisal. After the observations, sir, which I made in the beginning of the debate, it will not be thought strange that I suffer on the present occasion an unusual conflict of reasoning and of feeling. I then stated, with the frankness which I felt, and with the zeal which the hazardous crisis of our country inspired, the reasons and passions which kept my mind in a state of vibration. Struggling with indignation at the injustice and folly of Britain, I said we have suffered until confidence is folly—until patience is a crime. Believing that

the resolution involved a principle, which might be useful both for obtaining justice and preserving peace, but that its present shape rendered it not only useless but injurious; believing, too, that it is improper for this branch of our Government to begin a negotiation with a foreign nation, and peremptorily dictate the terms of it, I proposed an amendment, which left the principle in all its force, and avoided some of the objections. We have heretofore heard much about a spirit of accommodation; but the friends of this resolution have not discovered it. After wearying themselves in hunting for a reason against the amendment, it was negatived without any. They will agree with us, but it must be precisely on their own terms. This is the language of accommodation: Hear and believe whatever we teach; stoop down and bear whatever we impose. Victory is in our own power; a triumph is better than peace. If, sir, it be connected with discord and public calamity, the laurel is too withered to excite my envy. If, amid the fire which rages, we have not forgotten the cause which produced it, we must remember that the condemnations of our vessels in the West Indies, in consequence of the orders of the British Government of the sixth of November, are the great and immediate cause of complaint. Have we, sir, demanded a recompense for this injury, and waited a reasonable time for an answer? So far is this from fact, that we have not taken one step towards this, nor have we even heard from Britain since it was known there that any condemnations have taken place.

Our last despatches from our Minister at London tell us, that Lord Grenville declared that he presumed no condemnations would take place in consequence of those orders. The words themselves certainly do not justify any.

Have we any right to say that a demand of recompense would be fruitless, when the injuries we complain of are thus expressly disavowed by the Minister? Did we know that a demand would be fruitless, still we ought to make it, in conformity to the usage of nations, from a decent respect to their opinion, and to convince them, in case of a war, that our enemies are altogether the aggressors, and that we have been just and circumspect. We are judging in our own cause, and we ought not to trust ourselves to deviate from established principles, lest prejudice should mislead us. But it is said that we have negotiated in vain, respecting the breaches of the Treaty of Peace, and that the delays here are sufficient to justify immediate war. Do we not know, sir, that there are two sides to that negotiation? Have they not made demands on us for breaches of the same treaty? The negotiation is still pending in the ordinary train. We have never given them our ultimatum on the subjects of it. It is now under the direction of the Executive, which is the Constitutional authority. It is not proper for us to assume to put an end to it by an act of legislation. Who, sir, that calls himself an American, would dare to pursue a measure which may tarnish our national honor? If any one would take even a doubtful step, "shame ought to burn his cheek to cinder." To

prevent being misunderstood or misrepresented, perhaps I ought to say here, that I by no means deny our right to regulate or prohibit American commerce, I only mean that if the present controversy should end in war, we cannot justify engaging in it without first demanding justice, and if we make this demand with circumstances which forbid success, we do not comply with the spirit of this rule, but evade it. Taking the measure now proposed, would forbid Britain to treat with us on the subject. We know that we should refuse in similar circumstances. Are we more proud than Britain? Did any nation ever begin negotiation with threats? The external forms of regard on such occasions are so excessive, that nothing but custom prevents this appearing ridiculous. Humanity, as well as usage, requires that every peaceful method should be tried, and that too in the form best calculated to be successful. Faithfulness to our constituents requires this. Their interest and their wishes are against courting war.

But, sir, we are told that negotiation is pusillanimous. Passion is called American feeling. We hear much about energy, and some seem to think that the occasion calls for insult. Sir, noise and declamation are very distinct from fortitude and patriotism. The bravest men do not bluster and threaten. Why should it be thought too tame a measure to state the injury, and with manly firmness demand a recompense? The pride, the petulance of Kings, has always submitted to this, but the moderation of a republic forbids it. More proud than Kings—more insolent than tyrants—we despise this law of humanity, this compact of mankind. Where is the despot, the ermined monster, who dares to spread desolation and havoc, without demanding first his right? And where, sir, is the difference between not demanding at all, and demanding in such a way as to insure a refusal? How much justice there is in the charge of pusillanimity, which has been so often and liberally made, I will not undertake to determine. Perhaps he who pursues with decent firmness the steps which propriety, humanity, and general consent have provided, and while he feels the strongest indignation, is too proud to throw dirt or threaten, but places himself in the best posture of defence, lest war should follow unsuccessful negotiation, is as truly magnanimous, as he who talks loudly of revenge, avows passion as his principle, call hard names to produce conciliation, and gives blows to keep peace, who at the same time does every thing to provoke war, and opposes every measure to prepare for it. Lest the difficulties of the present crisis, and the attack on the pride of Britain, by prefacing our demand with a threat, should not be sufficient to prevent a recompense and provoke to war, old causes of controversy are added. The breaches of the Treaty of Peace, by detaining the posts and negroes, are old subjects of complaint.

Why they are brought forward now, and made an indispensable preliminary of treaty, when Britain is aided by a powerful confederacy, and the world is like tinder, is difficult to conceive, unless

we wish to kindle here the flame of war. Further, sir, this throws such an unequal burden on our merchants, as amounts to oppression. They have already suffered extremely from British and other depredations. They bear the principal burdens in raising our revenue. Is it right to add to all this, and forbid many of them to exercise that business, by which they get their bread, until Britain shall not only make compensation for their recent injuries, but also settle the old matters of difference precisely on our own terms? We are connecting matters which our interest requires should be separate. Britain, following our own example here, will say that by the treaty all British debts were to be paid; but the State laws and the Courts of Virginia have prevented this. They will offer to set off these against the injuries suffered by our merchants, and perhaps the balance will be against us. Will this be protection to the sufferers? Yet, if we connect these claims together we cannot object to their doing the same. It is throwing on the merchants all the political evils and burdens of America. Yet we who oppose this measure have been charged with wanting feeling for their suffering. Provoking an unnecessary war will sacrifice all their property now abroad, and deprive them of all hope of recompense, for that which has been already condemned. Going to war is surely no way to induce Britain to make compensation; and it is as certain, that this country will be under no obligation to do so, if war shall be the issue. This country is bound to indemnify them only when we refuse to obtain satisfaction from Britain, or to avenge their wrongs. What inconvenience should we experience from the delay occasioned by the usual forms of seeking redress? Can Britain run away like a private malefactor, so that we cannot catch her to punish her? We should at least be better prepared for war. If the reasons for it are strong, they will not suffer by our taking time to examine them. Are we afraid that passion will cool, which we here avow as the principle which governs, and ought to govern our counsels? Or are we apprehensive that passion on this occasion is popular? I suspect this last idea has no small influence. We ought to judge that nothing will be popular which is not right. I have more respect for my constituents than to believe that they will run mad, and then become so myself to please them. That I should continue in this seat is of very small importance to me, and of none to the public. But it is of infinite moment to preserve our peace and national honor. The path of rectitude is the way to honor. The man who walks in it without deviating, will generally meet the public approbation. But if he should fail in this, his own feelings will reward him.

I respect the manly Republicanism of America too much to believe that the popular water-gruel, the milk for sucklings, with which some men strive to gain his favor, can either please his appetite or invigorate his system. There are discontented men in all countries; perhaps our own has fewer than any other. They hallo loud and often, and we are therefore led to think they are

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. OF R.]

numerous. A tumultuous minority thus often imposes measures on a peaceful majority against the first principle of Republicanism. The voice of the people is not for war, unless necessary for our safety and honor. Many in this city may wish for it, but the majority through the Union are desirous of peace. Though they will encounter war bravely, if it shall overtake them, they are against running to meet it. I will not detain the Committee with stating the inconveniences we subject ourselves to, the difficulty of obtaining supplies from other countries during the convulsions of Europe, the loss of our articles of export, perishing on our hands from a retaliatory prohibition by Britain, the impossibility of executing such a law, or the encouraging of frauds, to the ruin of the merchant of honor. These have already been the subjects of observation. The strong objection which arises from our Constitution I cannot omit. In the distribution of power to the several departments of Government, the right of making treaties is given to the Executive. Of course the preparatory negotiation must belong to them as an incident of the authority. But we are now commencing a negotiation ourselves, and prescribing terms of a treaty. It is urged that this cannot bind the Executive. They may make a different treaty, but our prohibition will still be in force. Do we intend to say, then, that we will forbid our citizens from commerce with Britain, even after the Executive, the only Constitutional power, shall have settled all matters of difference, unless they will suffer us to dictate the mode in which they shall exercise their authority? This looks to me very much like usurpation, by whatever name we may choose to call it. It has been said, by a zealous friend of the measure, that a treaty would be the supreme law of the land, by virtue of the Constitution, and therefore would repeal this law. Perhaps it may in future be thought convenient to retract that doctrine. If it be true, it is idle to make the law. But, sir, I doubt the truth of it. It appears strange to say, that an act in its nature Legislative, (and such we are told this is,) can be abrogated by an Executive act. I know of nothing but the Legislature which can repeal a law. It belongs either to Legislative or Executive power. If the former, the Legislature only can abrogate it; if the latter, we ought not to meddle with it. We may as well carry through the negotiation, as begin it, and prescribe the terms of it. If the Constitution had given us the power, we could not exercise it, from our numbers and mode of doing business. It will not be denied that the Executive has a right to appoint and instruct a negotiator as to the terms of settlement. Have we the same right, or even can we instruct him when they shall appoint? Suppose him thus doubly instructed by the Executive, having Constitutional authority, and by us, who cannot tell from whence we derive the power, and the instructions contradict each other: whom is the negotiator to obey? None will say that the power of the Executive is not paramount to all others, as to treaties and all foreign negotiations. Are we to make a law, then, which may

be violated with impunity—nay, more, with propriety? I wish, sir, that gentlemen who so often tremble for the sanctuary of Republicanism, and deprecate usurpation of power, would apply these excellent feelings to this subject. We have been often told that something must be done, and that, if we object to this measure, we ought to show a better as a substitute. I have never thought this a difficult task. I will now state the outlines of what ought to be done. By a peculiarity in our Constitution, negotiation with foreign nations is altogether an Executive duty; but to declare war is with the Legislature. In Governments where the powers of negotiation and of war are in the same hands, the same officer can demand a recompense for an injury, propose his ultimatum, and declare war if it be rejected; but our Executive may be embarrassed in pursuing a demand of compensation to the last extremity, lest he should pledge the honor of the nation to war against the will of the Legislature, who alone can make war. We ought, therefore, to pass a resolution requesting the President to pursue with energy a demand for recompense, according to the custom of nations, and pledging ourselves to support him, if the event should prove unsuccessful; and, in the mean time, we ought to prepare for war. I can see nothing further which is Legislative in its nature, or committed to our care by the Constitution, until it shall appear that the negotiation has failed of success. Then, sir, it will be time enough to prohibit commercial intercourse, or declare war, or take any other measures to avenge our wrongs and vindicate the honor of our country. If we are to engage in war, sir, I presume we must have some money to carry it on, unless in this instance, also, we are an exception from general rules. The measure now contemplated must almost annihilate our imports, and we have not looked round for a substitute. We have heard of a land tax, but there are many objections to it. On the eve of war public credit is doubly important. Having lost our former resources, we must provide new funds for the punctual payment of the interest of the Public Debt, the expenses of Government, and the innumerable expenses of war. We must not only suffer heavy taxes and burdens, but also an enormous increase of our Debt. As I am not guilty of being a creditor of the Union, perhaps I may be heard patiently on this subject. It has been often said here that the Public Debt has enslaved our country; yet now we are urged to increase it beyond all calculation, without taking the usual measures for pacific accommodation.

Though I have labored in vain to understand how the Public Debt is an engine of slavery, and have sincerely thought our country a perfect model of civil freedom, yet I hope this argument will have some weight with those who see that we are slaves, and that the Public Debt has riveted our fetters. Here give me leave to answer an argument which has been repeatedly pressed, and with apparent success. It is not denied that the first regular step is to demand a recompense for an injury; but it is said that Britain regards no laws of nations in her conduct to us, and therefore we

are not bound to observe them towards her. I presume by this it is not meant that we ought to do wrong because Britain has done wrong; but that it becomes right for us to disregard those laws which she violates. Let us examine this. The laws and usages of nations have prescribed certain modes of demanding redress of a nation for an injury; those of necessity can only be applicable to an injured nation, for no other can need redress. Can it, then, be true that the moment a nation is injured, and thereby is placed in the situation for which, and for which alone, the rule was made, the rule ceases to be obligatory? A nation cannot be injured unless the Laws of Nations, with respect to her, have been violated. According to this argument, a very solemn rule of conduct has been established, which is never to be complied with—not by a nation which has not received an injury, because there is nothing to redress, and not by a nation which has been injured, because, with respect to her, the Laws of Nations have been violated by the aggressing nation, and this dispenses with the rule. This answer to an argument so much relied on is, to my mind, perfectly satisfactory. I call on the gentlemen to show it to be a fallacy. Our situation, sir, is not new, though our conduct may be so. We have seen Holland, when neutral in former wars, suffering similar injuries; they did not pursue such measures as we contemplate, though better prepared for war. Neither their interest nor their honor suffered by their moderation. The present neutral Powers of Europe are fellow-sufferers with us; yet we do not hear of similar impetuosity of resentment. In all wars neutral nations are abused in proportion as the Powers at war are strong and the neutrality weak. A stronger combination than the present, perhaps, never existed in Europe; and a neutrality can seldom be weaker. The principles of the present war are also peculiar; it is a struggle for existence. The unusual circumstances of it have compelled the French, with whom we are in friendship, not only to disregard our rights as a neutral nation, but to violate their treaty with us, though we have proceeded so far in friendship to them as to hazard our peace. Our merchants suffer severely from that nation; yet we are told that imperious necessity from peculiar circumstances, is an excuse. I say not these things to criminate that nation; they have been civil enough to apologise and promise recompense; but we have not received even good manners from their enemies. The public mind appears to have suffered little irritation from this cause, and it is far from my wish to excite any. My motive is only to show that this acquiescence in their apology proves our opinion that the present war is peculiar in its nature. Though we owe nothing but indignation to Britain, yet we owe prudence to our country and respect to ourselves. The present moment is infinitely valuable, and ought not to be trifled with. The present situation and disposition of Britain almost insure us honorable peace, unless we provoke war. We have strong evidence that war with this country is against both their interest and their wishes. Though the measure under

consideration is not in itself hostility, and violates no law of nations, were we to stop here, yet a little reflection must convince us that it tends to war. It is placing our negotiation for recompense from Britain on so new, and to them so humiliating a footing, that their pride must revolt; thus national honor must forbid a compliance. They will say to our negotiator, no nation ever addressed another in this way. Suppose we have injured you: it is not possible for us to treat with you respecting retribution on these terms; it is not an offer of peaceful accommodation, but an affront, a challenge. This refusal to treat, which the mode of making the demand renders certain, will then be urged as a refusal to make us a recompense, and war becomes inevitable. Why, sir, should we be thus ingenious to avoid peace, and rush hastily into the tragedy of Europe? At such a moment we ought to pause and inquire what we can gain by war. We now possess every blessing for which other nations contend; we may lose, but cannot gain by confusion. The price of our present political happiness was not small; we are now eating the fruit of that tree which was watered with the blood of our fathers; yet we suffer the canker-worm of jealousy to feed on its foliage—the whirlwind of discord threatens to root it up forever. What attractions do we find in the desolation, the misery, the crimes of Europe? Their very virtues are shaded with horror; their rulers are the scourges of mankind; their business is oppression; their sport is violation; they trade in blood; the priests of Moloch offer daily hecatombs of innocent victims; they fatten on human sacrifices; our former friends are insane, or rather their patriotism borders on phrenzy; Europe is at war with all the feelings of nature; they blaspheme her rights; they laugh at her agonies. Can it be necessary, sir, to describe the happiness of our own country to show the contrast? We are so familiar with public blessings that we have almost forgotten their value. The voice of oppression is not heard. Our habitations are the dwellings of virtue and domestic happiness; the laws of morality and of our country are revered; we profane not the altars of religion; we have realized the golden age of fable; we have practised Republican visions; in this moment of danger our minds should swell to the magnitude of the occasion; we ought to brave every danger to defend these inestimable advantages; but if we want prudence, we shall appear to want every virtue. I have now done with the question. The measure appears to me to threaten great mischief to our country. If this shall be realized, though I shall share in the common calamity, a review of my conduct will not upbraid me. We may look back, sir, across a deluge of misery which may overwhelm the country, to the happy shore of peace, which, perhaps, we now imprudently abandon. We may recall this moment as that in which we hoisted the floodgate of destruction. On such a retrospect our countrymen may say, you were the authors of these calamities, and you are responsible.

Mr. J. WADSWORTH said the path to be pursued

APRIL, 1794.]

Non-intercourse with Great Britain.

[H. OF R.]

by this country, Mr. Chairman, is, in my opinion, a plain one, if reason and not passion be our guide. We have suffered injuries; our rights have been violated. It is our duty to seek reparation for the former, and to vindicate the latter. But war is a calamity of the extremest kind; it ought then only to be encountered in the last extremity; every thing possible should be attempted to avoid it; every thing should be avoided that will tend to increase the chance of its existence.

The plainest facts demonstrate that our case is not out of the reach of a remedy, by negotiation. A revocation of the instructions of the 6th of November, and the explanations which have been given concerning them, afford an assurance that whatever may have been the disposition of the British Government at one time, war with this country did not continue to be its purpose.

What is the inference from such a state of things? why plainly this; that we ought to make effectual preparations for the worst that may happen; that we ought to go to work in earnest, and with vigor, to put the country in a state of defence; in a posture for serious war; and in this position, we ought to make one more appeal to the justice, the good sense of Great Britain; but if the gentlemen will not allow me these expressions as applied to Great Britain, I will withdraw them, and say their interest. And if that fails, then, and not before, we ought to meet with decision and firmness the only alternative—war.

In the meantime, sir, we ought to do nothing that can prove an obstacle to the success of negotiation; we should not by any rash or intemperate measure make accommodation on the part of Great Britain impossible, without dishonor; we should not so act as to force her pride, to take side against her reason and her interest. If a war is to happen, unanimity among ourselves will be of infinite importance; if our course be such as to render it manifest to all our citizens that we have done every thing in our power to avoid the evil; that we have availed ourselves of all the chances of preserving peace, that we have done nothing that could destroy a single one of them, then we shall secure unanimity; then may we rely that every nerve of the country will be strained, every resource called forth to defend ourselves, and annoy the enemy; and here I trust I shall not be behind any man in exertion and perseverance. But if our course be such as to leave a doubt, whether the war might not have been with greater prudence avoided; a suspicion that it may have been precipitated by violent and premature measures, adieu to unanimity.

The arrival of the calamity awakening men's minds to its magnitude, and substituting the operations of reason for those of passion, will substitute censure for applause; condemnation for approbation; the Government will lose the confidence of the people as having been rash and inconsiderate.

Our efforts will be languid and feeble, our councils distracted and disjointed, and the least evil that can happen, will be an inglorious and disadvantageous peace; what worse may be in the womb of time, God only knows.

I call on those who hear me to shun this course. I know the temper of the people I represent. I have every day communications that show me their extreme disapprobation of any measure that can lessen the chance for peace. I therefore, with the greatest confidence, predict what will be their conduct on one, or on the other plan of procedure. I believe the temper of the citizens of the neighboring States is not materially different from that of the citizens of the State to which I belong. I presume it will not be understood that the citizens of the State I came from are willing tamely to submit to be ruined by the ravages of Great Britain. No, sir, they love peace, and will court it with warmth; but if war be unavoidable, they will not be behind their neighbors; they feel, and feel keenly their wrongs and injuries, and their resentments are strong.

I ask the warmest advocates for the proposed measure to form in their own minds a just estimate of the substantial value of unanimity, of the comparative faculties of the different parts of our country, for military exertions; they will not do ill to review the example of the last war.

For my part I am resolved, whatever may be the current of the moment, to bear my testimony against all measures of a tendency to destroy the prospect of peace. I consider the one under consideration as such a measure, and mean to make my opposition to it.

Let those who are bold enough to court danger to the country, stand distinguished to their fellow citizens, from those who, though resolved to be prepared for war, and to meet it with fortitude when it is inevitable, at the same time are resolved not to precipitate so great an evil. I cheerfully concede to the former all the glory; they will have all the responsibility of their enterprise.

I have thus expressed my real sentiments, not attempting to torture any man's arguments, or wound their feelings; and were I to indulge myself in railing at the British for their unjustifiable depredations on our trade, I think, sir, I could be as eloquent as other gentlemen who have gone before me; I believe it would be useless, and I forbear.

The Committee now rose, and reported the resolution to the House; which was ordered to lie on the table, and the House adjourned.

TUESDAY, April 15.

Several remonstrances from citizens of the United States West of the Alleghany Mountains, whose names are thereunto subscribed, were presented to the House and read, stating their right to a free enjoyment of the navigation of the river Mississippi, and praying that the General Government will adopt such measures as shall be most expedient and effectual to secure the same from encroachments by the citizens or subjects of foreign countries.

Ordered, That the said remonstrances be referred to Mr. LEE, Mr. ORR, Mr. PICKENS, Mr. RUTHERFORD, and Mr. MONTGOMERY; that they

do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BLOUNT, from the committee to whom was re-committed the bill, sent from the Senate, entitled "An act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina," made a report; which was read, and, together with the said bill, ordered to be committed to a Committee of the Whole House to-morrow.

Mr. HULLHOUSE, from the committee appointed, presented a bill making provision for the payment of the interest on the balances due to certain States, upon the final settlement of the accounts between the individual States and the United States; which was read twice, and committed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you a Letter from the Minister Plenipotentiary of His Britannic Majesty to the Secretary of State; a Letter from the Secretary of the Territory South of the river Ohio, enclosing an Ordinance and Proclamation of the Governor thereof; the translation of so much of a petition of the inhabitants at Post Vincennes, addressed to the President, as relates to Congress: and certain despatches lately received from our Commissioners at Madrid. These despatches from Madrid, being a part of a business which has been hitherto deemed confidential, they are forwarded under that view.

G. WASHINGTON.

UNITED STATES, April 15, 1794.

The papers referred to in the said Message were partly read.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House proceeded to consider the resolution reported yesterday by the Committee of the Whole House, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland; and the same being twice read, in the words following, to wit:

"Resolved, That, until the Government of Great Britain shall cause compensation for all losses and damages sustained by the citizens of the United States, from armed vessels, or from any person or persons acting under commission or authority of the British King, contrary to the laws of nations, and in violation of the rights of neutrality; and also, until all the posts, now held and detained by the King of Great Britain, within the Territories of the United States, shall be surrendered and given up; and until compensation be made for the negroes carried away, contrary to the Treaty of Peace,—all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, or the citizens or subjects of any other nation, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland, shall be prohibited: *Provided*, such prohibition shall not extend to vessels, or their cargoes, arriving in any of the ports of the United States, before the — day of — next."

Mr. SMITH, of South Carolina, presented his modification of the original motion. It was de-

clared to be a substitute by the Chair, and therefore out of order.

Mr. GILES moved to strike out of the resolution the *sine qua non* condition, of restitution for negroes carried off.

Mr. SMITH, of S. C., objected to the motion. He feared it would appear like an abandonment of the claim.

After some further debate on this amendment, Mr. FITZSIMONS suggested a substitute for the resolution to avoid the embarrassment of a specification.

Mr. GILES withdrew his amendment.

Mr. SMITH, of S. C., moved to strike out a specification, and insert a clause more general.

After further conversation, Mr. TRACY expressed a wish for the previous question, under the impression that this is not a proper time for a final decision of the subject.

Mr. SMITH, of S. C., consented to withdraw his amendment until the previous question be put. After some debate,

The previous question was called for by five members, to wit: "Shall the main question, to agree to the said resolution, be now put?"

And on the previous question, "Shall the said main question be now put?" it was resolved in the affirmative—yeas 53, nays 44, as follows:

YEAS.—James Armstrong, Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, George Dent, William Findley, William B. Giles, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Samuel Griffin, William B. Grove, George Hancock, Carter B. Harrison, John Heath, John Hunter, William Irvine, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Sam^l Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Henry Dearborn, Samuel Dexter, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Vans Murray, Nathaniel Niles, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

WEDNESDAY, April 16.

Ordered, That the petition of the inhabitants of Post Saint Vincennes, referred to in the PRESIDENT'S Message of yesterday, be referred to Mr. CLARK, Mr. ARMSTRONG, Mr. SCOTT, Mr. WALK-

APRIL, 1794.]

Embargo—Contested Election.

[H. OF R.]

ER, and Mr. BLOUNT; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House resumed the reading of the communications referred to in the Message of yesterday, from the PRESIDENT OF THE UNITED STATES, and went through the same.

Ordered, That the said communications do lie on the table.

THURSDAY, April 17.

Mr. WILLIAM SMITH, from the committee appointed to inquire whether any, or what further or other revenues are necessary for the support of the public credit; and, if further revenues are necessary, to report the ways and means, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

THE EMBARGO.

The resolution proposed some days since, for the continuation of an embargo, was taken up in Committee of the Whole, Mr. SHERBURNE in the Chair.

Mr. LEE made a motion for excepting foreign bottoms from the operation of the Embargo. This motion was supported chiefly upon the grounds that the agricultural interest suffers by a general Embargo; that the chief intention of the Embargo is, to keep American navigation from the grasp of rapacity; and this end will be as fully answered under the operation of the amendment.

Against it, it was argued, that the distinction will excite a jealousy in the breast of our citizens; will tend to deprive us of our seamen, who will engage, for want of domestic employment, on board of foreign vessels, and also strip us of some portion of our vessels, by rendering foreign bottoms much more valuable than American. It was also said, that one object of the Embargo will be frustrated by the amendment—the fasting of the British islands. Such a discrimination will render an Embargo, instead of an act calculated to repel an aggression, and prevent aggression in future, an encouragement to insult, by encouraging foreign trade in preference to American. The amendment was lost.

Another amendment was proposed, to enable merchants, under certain restrictions, to send despatch boats to the West Indies, in order to comply with the forms requisite to lodge, within the limited time, appeals from the Admiralty Courts of the British islands. Several attempts were made to guard the provision, so that it should not be a means of evading the Embargo. This appeared, finally, not to have been done to the satisfaction of a majority; and, upon its being suggested that the renewal of the general Embargo resolution was a measure that did not admit of delay, and that the provision proposed might be considered at another time separately, the question was taken, and the amendment lost.

The original resolution was agreed to by a very large majority, and reported to the House, where it was immediately taken up.

It was suggested that Sweden, by treaty, is positively exempted from the operation of Embargoes, and that, if this be the case, France, Holland, &c., who have, by treaty, the privileges of the most favored nations, are also exempt, and they should be positively exempted in the resolution.

It was answered, that treaties are the supreme law of the land, and cannot clash with a resolution of Congress. However, it was conceived that the provision in the Swedish treaty is not altogether clear, and at any rate can only entitle them to carry away their vessels, but not to export our produce against our will; for, in that case, our every attempt to lay an Embargo might be baffled by those foreign nations. A proviso, however, was adopted, expressly excepting from the operation of the Embargo, nations exempted by treaty. Another proviso was then adopted, to enable merchants to send despatch-boats to any of the West India islands, for the purpose stated above. The resolution was then agreed to, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the present embargo be continued, and every regulation concerning the same shall be in full force, until the twenty-fifth day of May next: *Provided*, That nothing in this resolution be construed as intended to contravene any rights or privileges arising out of treaty or treaties between any foreign nation and the United States: *And provided, also*, That the PRESIDENT OF THE UNITED STATES be authorized to permit the sailing of any vessel, for the sole purpose of lodging in the Courts of Vice Admiralty, in any of the West India islands, appeals from sentences or decrees of the said Courts, whereby vessels or cargoes claimed by an American citizen or citizens, have been condemned: *Provided*, That bond, with sufficient security, be previously given, that such vessel shall not, directly or indirectly, carry on any commerce whatsoever, during the voyage.

CONTESTED ELECTION.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, to whom was referred the petition of Abram Trigg, complaining of an undue election and return of FRANCIS PRISTON, to serve as a member of this House, for the State of Virginia, made a report; which was read, as follows:

“That, upon examining the evidence in this case, it appears that, in the county of Lee, in the said State, the poll was closed, after due proclamation by the sheriff, at or about three o'clock, p. m.; that application was afterwards made to the sheriff to open the poll for several voters who appeared, which the sheriff refused. On recurring to the election law of Virginia, the sheriff appears to be vested with discretionary power to close the poll at any time of the day after three proclamations made, and no voters appearing. The committee are, therefore, of opinion that the election was conducted according to law in the said county.

“It appears that the sheriff of Washington county, in consequence of rain, adjourned the poll to the second day; and that, from the latitude of discretion vested in him by law, he was fully authorized so to do.

“No evidence having been produced in support of

the charge that persons were polled in Washington county, who live in the territory South of the Ohio, and in Kentucky, the petitioner has abandoned that charge.

"The evidence, with regard to Montgomery county, being very voluminous, and in some respects contradictory, the committee have found some difficulty in forming an opinion in relation to that county. The following facts, however, appear to be well established, viz :

"That Captain William Preston, brother, and agent at the election, of the sitting member, was quartered near Montgomery court-house, with about 60 or 70 Federal troops, of which he had the command; that, on the day of election, the said troops were marched in a body twice or three times round the court house, and paraded in front of, and close to the door thereof; that, towards the close of the election, the said troops were polled, generally in favor of the sitting member, but their votes were put down on a separate paper, and, after the election, at the comparison of the polls of the respective counties, were rejected by the returning officers; that some of them threatened to beat any person who should vote in favor of the petitioner; that one of the soldiers struck and knocked down a magistrate who was attending at the said election; that three soldiers stood at the door of the court-house, and refused to admit a voter because he declared he would vote for the petitioner; that many of the country people were dissatisfied with the conduct of the soldiers, which produced altercations at the election between the soldiers and the country people, the former being generally for the sitting member, and the latter for the petitioner, and terminated in a violent affray between them after the poll was closed; that some of the soldiers being afterwards interrogated why they said they would beat any man who voted for Trigg, replied, "they who are bound must obey." That, though it is doubtful whether any of the soldiers were armed at the court-house, yet it appears that, at the time of the affray, after the election, Captain Preston had a sword and dagger; and that, when the soldiers being overpowered by the country people, retreated to their barracks, some guns were fired by the soldiers towards the country people.

"The committee, on full consideration of all the evidence in relation to Montgomery county, from which the foregoing facts result, are of opinion that, notwithstanding the soldiers were not disfranchised of the right of voting, merely as such, yet their conduct, as well as that of their commander, was inconsistent with that freedom and fairness which ought to prevail at elections; and that, although it does not appear, from any other than hearsay testimony, that any voter was actually prevented from voting, yet there is every reasonable ground to believe that some were, and that the election was unduly and unfairly biased by the turbulent and menacing conduct of the military; and that the petitioner, who only lost his election by a majority of ten votes, has not had that fair opportunity of obtaining the suffrages of the people of that district, to which every candidate is entitled. The committee, therefore, viewing the precedent as a dangerous one, and considering the inestimable privilege of free suffrage ought never to be violated by any military interposition; that the sitting member may have obtained a majority by improper influence, and that the petitioner ought to have a chance of obtaining a seat on equal terms, are of opinion that Francis Preston is not duly elected a member of this House."

In support of the reasoning and conclusion of this report, the petitioner submitted a paper, containing, at great length, his observations on the

depositions and other exhibits connected with this case.

Ordered, That the hearing on the trial of the said contested election be proceeded on in the House on Tuesday next.

Mr. WILLIAM SMITH, from the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 18th of March last, relative to an advance of money, requested by the Minister of the French Republic, made a report; which was read, and ordered to lie on the table.

FRIDAY, April 18.

A message from the Senate informed the House, that the Senate have agreed to the resolution of this House, to continue the present embargo on ships or vessels in the ports of the United States, bound to any foreign port or place, with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being read, was agreed to.

NON-INTERCOURSE WITH GREAT BRITAIN.

The report of the Committee of the Whole on Mr. CLARK's resolution for a non-importation of British goods, was called up.

The consideration of it at the present time was opposed chiefly on the ground that an Envoy had been nominated by the Executive to negotiate with Great Britain; that the adoption of this resolution, at the present time, would be a bar to those negotiations, an infringement on the right of the Executive to negotiate, and an indelicacy towards that department; and that, since it leads to war, other measures should precede its adoption.

It was answered, that the Legislature have solely a right to regulate commerce; that this measure is strictly within the Constitutional duty of the Legislature; that, if there is any indelicacy in the clashing of the proceedings of the Legislature and Executive, the indelicacy is with the Executive, as the resolution—the object of debate—had been several days pending in the House before the nomination of an Envoy Extraordinary was made; that the resolution cannot lead to war, as we have a right, as an independent nation, to regulate our commerce, and will, on the contrary, be the best means of bringing negotiation to a happy issue.

After much debate, the question on taking the report up was put, and the yeas and nays being called for, were taken, and stood—yeas 57, nays 42, as follows :

YEAS.—James Armstrong, Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, Jonathan Dayton, Henry Dearborn, George Dent, William Findley, William B. Giles, James Gillespie, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, John Hunter, William

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. of R.]

Irvine, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Samuel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YEAS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Francis Malbone, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

Mr. BEATTY then proposed an amendment to the resolution as reported, which modifies it so as to provide that the intercourse shall be restored when the treaty is fulfilled, and reparation for the injuries suffered by our navigation is made to the satisfaction of the Executive. This, after some debate, was withdrawn to give way to an amendment from Mr. MADISON, which will make the proposition read, in substance, as follows:

"Whereas, the injuries suffered, and likely to be suffered by the United States, from a violation of our neutral rights and commercial interests on the part of Great Britain, and also from a failure in the execution of the seventh article of the Treaty of Peace, make it expedient that our commercial intercourse with that nation should not remain as extensive as it now is: Therefore,

Resolved, That, from the — day of — next, our commercial intercourse with that nation be suspended."

The chief difference, it will be observed, between this proposition and the original resolution, is, that in this, it is not specified on what conditions the intercourse shall be restored; leaving therefore, to a future Legislature, when they are satisfied with the reparation which negotiation may procure from Great Britain to renew our commercial relations with that country. The opposers of the original resolution asked for time to consider the amendment, and it was ordered to be printed.

MONDAY, April 21.

Ordered, That the copy of the Laws of the Territory Northwest of the River Ohio, which accompanied the Message from the PRESIDENT of the UNITED STATES of the twenty-first of January last, be referred to Mr. FINDLEY, Mr. GREENUP, Mr. HUNTER, Mr. McDOWELL, and Mr. COIT.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act to establish the Post Office and Post Roads with-

in the United States," with several amendments; to which they desire the concurrence of this House.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House resumed the consideration of the resolution reported by the Committee of the Whole House on the fifteenth instant, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, or the citizens or subjects of any other nation, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland; and the amendment and modification thereof, which was proposed on Friday last, being further considered and debated, the said resolution was amended to read as follows:

"Whereas, the injuries which have been suffered, and may be suffered, by the United States, from violations committed by Great Britain on their neutral rights and commercial interests, as well as from her failure to execute the seventh article of the Treaty of Peace, render it expedient for the interest of the United States, that the commercial intercourse between the two countries should not continue to be carried on in the extent at present allowed:

Resolved, That, from and after the first day of November next, all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, or the citizens or subjects of any other nation, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland, shall be prohibited."

And then the main question being put, that this House doth agree to the said resolution as amended, it was resolved in the affirmative—yeas 58, nays 38, as follows:

YEAS.—James Armstrong, Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, Thomas Fitzsimons, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Heath, John Hunter, William Irvine, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, Thomas Sprigg, Thomas Tredwell, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YEAS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Daniel Heister, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg

H. of R.]

Proceedings.

[APRIL, 1794.]

Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. CLARK, Mr. MADISON, Mr. LYMAN, Mr. CARNES, and Mr. GROVE, do prepare and bring in the same.

TUESDAY, April 22.

Mr. FITZSIMONS, from the committee to whom was recommitted the report of the committee on the memorial of Arthur St. Clair, made an amendatory report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill directing a detachment from the Militia of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill providing for raising and organizing a corps of Artillerists and Engineers; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed and read the third time to-morrow.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to establish the Post Office and Post Roads within the United States; and the same being read, some were agreed to, and others disagreed to.

WEDNESDAY, April 23.

An engrossed bill directing a detachment from the Militia of the United States was read the third time and passed.

An engrossed bill, providing for raising and organizing a corps of Artillerists and Engineers, was read the third time and passed.

Mr. LEE, from the committee to whom were referred several remonstrances from the citizens of the United States west of the Alleghany Mountains, respecting the navigation of the river Mississippi, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter and Report from the Secretary of State, on the petition of Stephen Sayre; which were read, and ordered to be referred to Mr. PARKER, Mr. SMILIE, and Mr. BAILEY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. CLARK, from the committee appointed, presented a bill to suspend the importation of certain goods, wares, and merchandise; which was read twice and committed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act allowing Lieutenant Colonel Tonsard an equivalent for his pension for life," with several amendments; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit, and, if further revenues are necessary, to report the ways and means; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House, that the Senate recede from their amendment, disagreed to by this House, for striking out the twenty-first section of the bill entitled "An act to establish the Post Office and Post Roads within the United States." The Senate insist on their tenth amendment to the first section; also, to their amendment for adding a new section to follow the twenty-seventh section of the said bill, and desire a conference with this House on the subject-matter of the said amendments; to which conference the Senate have appointed managers on their part.

The House proceeded to consider so much of the said message as desires a conference on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to establish the Post Office and Post Roads within the United States." Whereupon,

Resolved, That this House doth agree to the said conference; and that Mr. TRACY, Mr. MURRAY, and Mr. SEDGWICK, be appointed managers at the same, on the part of this House.

THURSDAY, April 24.

Ordered, That the report of the committee to whom were referred several remonstrances from citizens of the United States West of the Alleghany Mountains respecting the navigation of the river Mississippi, be committed to a Committee of the Whole House on Monday next.

The SPEAKER laid before the House a Letter from the Secretary of State, accompanying the translation of an Address from the Representatives of the French People, members of the Committee of Public Safety, to the Congress of the United States; which were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to suspend the importation of certain goods, wares, and merchandise; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

The said bill was further amended at the Clerk's table; and on the question that the said bill, together with the amendments, be engrossed, and read the third time to-morrow, it was resolved in the affirmative—yeas 57, nays 31, as follows:

YEAS.—James Armstrong, Theodoras Bailey, Abra-

APRIL, 1794.]

Proceedings.

[H. OF R.]

ham Baldwin, John Beatty, Thomas Blount, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, Henry Dearborn, George Dent, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William B. Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Heath, John Hunter, William Irvine, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, Thomas Sprigg, Thomas Tredwell, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAVS.—Fisher Ames, Shearjashub Bourne, Benjamin Bourne, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, James Gordon, Daniel Heister, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit, and if further revenues are necessary, to report the ways and means; and, after some time spent therein, the Committee rose, and reported progress.

FRIDAY, April 25.

An engrossed bill to suspend the importation of certain goods, wares, and merchandise, was read the third time; and on the question, that the said bill do pass, it was resolved in the affirmative—yeas 58, nays 34, as follows:

YEAS.—James Armstrong, Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, Thomas Fitzsimons, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Heath, William Irvine, Henry Latimer, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenburg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, Thomas Sprigg, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAVS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, David Cobb, Peleg Coffin,

Joshua Coit, Samuel Dexter, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, James Hillhouse, William Hindman, John Wilkes Kittera, Richard Bland Lee, Francis Malbone, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

The **SPEAKER** laid before the House a Report from the Secretary of War, accompanying a statement of the cases of all claimants to be placed on the pension list of the United States, who obtained certificates from the Judges of the Circuit Courts signed as Commissioners, and also from the Judge of the District of Maine; which was read, and ordered to be referred to Mr. TRACY, Mr. TREDWELL, Mr. BEATTY, Mr. IRVINE, and Mr. THATCHER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act allowing Lieutenant Colonel Tousey an equivalent for his pension for life," and, the same being read, was agreed to.

A memorial of the merchants and others, inhabitants of the town of Norwich, in the State of Connecticut, was presented to the House and read, praying that the most speedy and effectual measures may be adopted by Congress, to obtain restitution for the depredations committed on the property of the citizens of the United States by the subjects of Great Britain, under the authority of that Government.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the motion of the twenty-seventh ultimo, for the sequestration of all the debts due from the citizens of the United States to the subjects of the King of Great Britain.

Mr. FINDLEY, from the committee appointed, presented, a bill for the relief of Nicholas Rieb; which was twice read, and committed.

Resolved, unanimously, That the Letter of the Committee of Public Safety of the French Republic, addressed to Congress, be transmitted to the **PRESIDENT OF THE UNITED STATES**, and that he be requested to cause the same to be answered on behalf of this House, in terms expressive of their sensibility for the friendly and affectionate manner in which they have addressed the Congress of the United States, with an unequivocal assurance that the Representatives of the people of the United States have much interest in the happiness and prosperity of the French Republic.

Ordered, That Mr. WILLIAM SMITH and Mr. PARKER, be a committee to wait on the **PRESIDENT**, with the foregoing resolution.

Ordered, That the amendatory report of the committee to whom was recommended the report on the memorial of Arthur St. Clair, which lay on the table, be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House,

H. OF R.]

Contested Election.

[APRIL, 1794.]

that the Senate have passed the bill, entitled "An act to encourage the recruiting service," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; whereupon,

Resolved, That this House doth disagree to the amendment proposed to the first section, and doth agree to the amendment to the fourth section of the said bill.

The SPEAKER laid before the House a Letter and report from the Secretary of the Treasury, enclosing the copy of a contract made with the Bank of the United States, transmitted pursuant to the resolution of this House of the twenty-eighth of February last; which were read, and ordered to be referred to the Committee of the Whole House to whom is committed the bill providing for the payment of the second instalment due on a loan made of the Bank of the United States.

SATURDAY, April 26.

The House proceeded to the hearing on the trial of the contested election in the case of the petition of Abram Trigg, complaining of an undue election and return of FRANCIS PRESTON, to serve as a member of this House for the State of Virginia; whereupon,

Ordered, That the petitioner, on his prayer, be admitted to the bar of the House, to be heard in the support of the allegations of his petition.

The depositions and other exhibits, as well on behalf of the petitioner, as of the sitting member, being partly read, an adjournment was called for, and carried.

MONDAY, April 28.

ALEXANDER GILLON, from South Carolina, appeared, produced his credentials, and took his seat.

A message from the Senate informed the House that the Senate have disagreed to the bill, entitled "An act to suspend the importation of certain goods, wares, and merchandise."

A message from the Senate informed the House that the Senate recede from their amendments disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act to establish the Post Office and Post Roads within the United States," and do agree to the said amendments, with an amendment and modification of the same, agreeably to the report of the Joint Committee of Conference.

The House proceeded to consider the said amendment and modification; and, the same being read, were agreed to.

A message from the Senate informed the House that the Senate adhere to their amendment disagreed to by this House, to the first section of the bill, entitled "An act to encourage the recruiting service."

The House proceeded to consider the said message. Whereupon,

Resolved, That a conference be desired with the Senate, on the subject matter of the amendment

adhered to; and that Mr. JEREMIAH WADSWORTH, Mr. FINDLEY, and Mr. MACON, be appointed managers at the said conference on the part of this House.

The House again resolved itself into a Committee of the Whole House, on the bill making certain alterations in the act for establishing the Judicial Courts of the United States, and altering the time of holding certain Courts; and, after some time spent therein, the Committee rose, and reported progress.

CONTESTED ELECTION.

The House resumed the hearing on the trial of the contested election in the case of the petition of ABRAM TRIGG, complaining of an undue election and return of FRANCIS PRESTON, to serve as a member of this House for the State of Virginia.

When the Clerk had finished the reading of the examination of witnesses in the case of Mr. PRESTON, that member rose to enter upon a reply. He observed, that the discussion of this question had been so long deferred very much against his wishes; but as it was now two o'clock in the afternoon, and as it would require more than an hour for him to go through his remarks, he should, if agreeable to the House, defer beginning them till to-morrow. At the same time, if it was more agreeable to gentlemen, he should enter upon the subject just now.

After a few words from Mr. W. SMITH, and Mr. TRIGG, it was determined to defer the business till to-morrow.

After some conversation on the Post Office bill, it was passed. It was agreed to appoint a Committee of Conference with the Senate, on disagreeing to the bill for the support of the present Military Establishment.

The House then went into a Committee of the Whole House, on the report respecting the better regulation of the Courts of Justice in some of the Southern States.

Mr. S. SMITH, of Maryland, stated the inconveniences that arose from the present arrangement of the Courts in the State of which he was a Representative. It was at one period of a cause requisite to travel to the Eastern shore of the Chesapeake, and hire an Attorney for going to that distance. In another stage of the question, the whole business was transferred to an opposite side of the Bay. This, in the trial of criminal cases, is attended with many inconveniences. He mentioned an instance of a captain of a vessel who had been apprehended for smuggling; but while they were conducting him across the Bay, to his trial, he seized a proper opportunity, jumped out of the boat, swam ashore, away he went, and was never heard of.

Mr. MACON, Mr. W. SMITH, Mr. NICHOLAS, Mr. FITZSIMONS, and several other members, spoke to the question. Numerous inconveniences were stated, as arising from the present arrangement of Courts of Law. One particular circumstance may serve as a specimen. In some places of the Southern States, a person may, for a cause of twenty dollars, be put to the trouble and expense of travel-

APRIL, 1794.]

Contested Election.

[II. OF R.]

ing backwards and forwards, to the extent altogether of nine hundred miles, before he can be sure of obtaining a decision. It was admitted that considerable grievances of this kind existed, but to point out an effectual remedy seemed very difficult.

Mr. FITZSIMONS was of opinion that the House should endeavor to expedite this affair, if possible, as they had many other subjects on hand: and if they did not quicken their progress, he foresaw that, at the end of the session, a great part of the public business would remain undone. He therefore recommended despatch.

The Committee then rose, reported progress, and had leave to sit again.

TUESDAY, April 29.

A message from the Senate informed the House that the Senate agree to the conference desired by this House, on the subject-matter of the amendment disagreed to by this House, and adhered to by the Senate, to the first section of the bill, entitled "An act to encourage the recruiting service," and have appointed managers at the said conference on their behalf.

CONTESTED ELECTION.

The House resumed the hearing on the trial of the contested election in the case of the petition of ABRAM TRIGG, complaining of an undue election and return of FRANCIS PRESTON, to serve as a member of this House for the State of Virginia; and the observations, in writing, of the petitioner, on the depositions and other exhibits in the said case, being read, and the sitting member fully heard in his defence, the parties retired from the bar.

The House then proceeded to a decision on the said contested election; and—

Mr. TRIGG and Mr. PRESTON spoke, each of them, for some time, to the merits of the case.

Mr. SCOTT then rose.—He declared that, of all the questions which had ever come before that House, the present was to him the most wonderful. To tell us that an election had been overruled by a party of soldiers, was indeed extraordinary. Upon such an outrage, it was most astonishing that the whole country did not rise, as one man, to resent and punish it. But, for his own part, he saw the matter in an opposite point of view. He could not, for his soul, discover the smallest pretence to set aside the election of Mr. PRESTON, nor could he comprehend or conceive upon what ground so strange a notion had been started. As for Captain Preston, brother to the sitting member, whose conduct had been so loudly excepted against, Mr. S. said, that his behaviour at the election was that of a sage: instead of the fire of youth, he had discovered all the moderation that could have been expected from the character of a philosopher. As to the introduction of soldiers at the election, he saw no harm in it. They had a right to be there, for they were equally entitled with other American citizens to give their votes in the choice of a Representative. The quarrel that succeeded was accidental, and did

not affect the question before the House. Mr. S. was ready, and had long been so, to give his voice for dismissing the petition of Mr. Trigg. He had not the smallest shadow of doubt upon the matter.

Mr. MACON was of the same opinion. It had been asserted that in this case the laws of Virginia had been violated. He would be glad to learn what law.

Mr. W. SMITH considered it as a very clear point that the election was not a fair one, because it was evident that the petitioner had not enjoyed an equally fair chance with the sitting member. It was true, that some facts in the petition had not been completely substantiated, but many had. The House had been told that hearsay testimony was unworthy of attention: but he wished to remind them that they were not, like a Court of Law, restricted to proceed upon regular proof, and not to go beyond the letter of it. They were entitled to hear and weigh everything advanced, and to form their opinion from the general conviction arising upon the whole circumstances. Some facts of the most unwarrantable kind had come out. Three of Captain Preston's soldiers guarded the door of the Court-house where the election was held. When a person, since examined as an evidence, wanted to go in, they stopped him with this question—"Are you to vote for Trigg?" Upon answering yes, they replied, "By Jesus, then, you shall not:" and though he was fifty-eight years of age, two of them laid hold upon him and cast him to the ground; when he got up again, he went off. Mr. S. said that there was a clear collusion between Captain Preston and the soldiery.

[Here Mr. PRESTON interrupted Mr. SMITH, by declaring that there was no such thing in the evidence.]

Mr. S. affirmed that there was. [The Clerk was then directed to read part of the examination of the witnesses, when the particulars above stated appeared in the proof,] and Mr. S. insisted that they contained a demonstration of collusive measures between the sitting member, his brother Captain Preston and the military. It was objected to Mr. S., on the part of the soldiers, that they had only said they *could*, not that they *would* knock down Mr. Trigg's voter. But Mr. S. considered this critical distinction as minute and trifling from the lips of a soldier in liquor. He did not understand its accuracy, and he imagined that his own nerves must have been as much affected by the *could* as by the *would*. Many of the country people had expressed much dissatisfaction with the soldiers. It was proved that when the fray began, Captain Preston had wished to have twenty of his soldiers there; and this hint was no sooner given than a person ran off, and immediately returned with a party of them.

Mr. SHELDON was for supporting the sitting member. He wished that the time of the House might not be squandered in an useless display of eloquence; it was, to be sure, very agreeable to the speaker himself, but at the same time very superfluous in regard to his audience.

[The Clerk was again ordered to read some

passages in the proof, as far as they respected the behaviour of Captain Preston.]

Mr. W. SMITH then rose a second time. As a member of the Committee that had been chosen upon this subject, he was entitled to vindicate their report, of which he read some extracts very unfavorable to the behaviour of the soldiers. Mr. S. observed that Mr. PRESTON, in his defence, had been extremely profuse of his censure on the Committee, for doing what they considered to be their duty. Mr. S., referring to the observations of Mr. SHEKBUrne, said that he was perfectly in order for defending the report of the Committee, because it was justified by the facts. Though the quarrel between the soldiers and the country people did not happen till after the poll, yet still it arose from bad blood before the poll began, and therefore a reference to it was strictly in order. Mr. SMITH said, that it was no part of his intention to injure the character of Captain Preston, who, when the tumult began, took off his sword and gave it to some person to hold. For this moderation Captain Preston deserved credit. But still Mr. S. considered himself as justified in opposing the election, since it was not conducted with that fairness, that regularity, and that equality of chances, requisite upon Republican principles. He read a quotation from *Blackstone*, as to elections: "Violent interposition!" says that writer; "what is it, but to cut Government up by the roots, and poison the foundation of public security?" He dwelt at some length on this idea, and on the peculiar impropriety of military interposition. He said Mr. PRESTON had only a majority of ten votes; and when the circumstance of sixty or seventy soldiers driving off the voters of Mr. Trigg was opposed to such a narrow majority, could anybody call this transaction legal?

[At the words "ten votes," Mr. S. was twice interrupted; first by Mr. MACON, and next by Mr. S. SMITH, of Maryland; but he persisted in his assertion.]

He had stated facts: the premises were obvious. Shall the House suffer an officer, the brother of a candidate, to seize the door of a Court-house, and turn away the voters against his brother? It had been said that it was customary, in that part of the country, for a candidate to collect his friends, and block up doors; but surely it was a very improper custom. The sitting member had said, that if his brother made any wrong step he should have been prosecuted in a Court of Law. Mr. S. did not mean to say that Captain Preston had committed any offence worthy of that. He did not perhaps imagine that he was doing any wrong at all. It had been asked—Was it possible that sixty or seventy unarmed soldiers could overawe two or three hundred people? He thought it possible.

Mr. S. SMITH, of Maryland, defended Mr. PRESTON. He said, that in forming an impartial judgment upon this question, various circumstances must be taken into consideration, besides the facts in evidence before the House. In elections in the Eastern States, the citizens met in small bodies, and they conducted the business with that order and decency which became the true Republican

character. But it was the misfortune of the Southern States, that their citizens assembled in large bodies; the Electors of a county meet all together, before the Sheriff, and give their votes at the same time. Hence it appears, that an election in the Southern States is nothing but a nursery of superlative mischief. He said that he was somewhat surprised at hearing another member [Mr. W. SMITH] express so much resentment at an election riot. The gentleman had access to the history of a certain election, where the very Chancellor of a Court of Justice bred a riot in his own Court, for the express purpose of serving his party. Much had been said about the enormity of knocking down a Justice of the Peace; and in the report of the affair, it was stated as if the Magistrate had been at the Court house in his official capacity. Now, sir, said Mr. S., in this part of it the report is not fair. The Justice of the Peace was not there in his official capacity. He was there drunk, sir; and he gave the first blow, sir, to the man who knocked him down. Mr. S. had, by the first accounts of this election, been very much prejudiced against the election of the sitting member; but when he came to examine closely into the subject, he declared that he had never known an election in the Southern States where there was so little mischief. He was sorry, for the honor of his part of the country, to give this account of it to the Eastern members, but in point of common justice to Mr. PRESTON, they ought to be informed that a Southern election is quite a different sort of transaction from one of theirs.

In the evidence before the House, it had been stated that one person was seen at the Court-house with a club under his coat. But, sir, said Mr. S., I suppose that five hundred of my constituents had clubs under their coats; so that if this be sufficient for putting an end to an election, the Committee may begin by dissolving mine. If the Committee are to break up every election where persons were seen drunk, they will have a great deal of work upon hand, sir. In what way were elections for Southern members carried on? A man of influence came to the place of election at the head of two or three hundred of his friends; and to be sure they would not, if they could help it, suffer anybody on the other side to give a vote, as long as they were there. It was certainly a very bad custom, and must very much surprise an Eastern member; but it was the custom, and perfectly known to be so; and therefore it was very injurious to hold up the conduct of Captain Preston as a pretence for dissolving the election. The behaviour of that young gentleman, when insulted, had been exemplary. In the midst of a riotous mob he gave away his sword, that he might do no mischief in that way. This was a great instance of moderation and presence of mind. The aspersions cast upon the character of this officer Mr. S. regarded as highly unjust, and they might, if not properly taken notice of, be extremely injurious to his hopes of advancing in the service. Captain Preston had gone to the Court-house as a private citizen, and he had a right to

APRIL, 1794.]

Indemnity for Spoliations.

[H. OF R]

be there. As to the menace of the soldiers, that they could knock down one of Colonel Trigg's voters, this was very different from asserting that they would do it. Were a man to have come up to Mr. S., in the street, and say, "I will knock you down, sir," Mr. S. would be for striking that man; but were he only to say, "I can knock you down, sir," the expression would be quite different. But, as to the affray that fell out after the election was over, Mr. S. asserted that, if the soldiers had killed all the country people, or the country people had killed all the soldiers, this had nothing to do with the merits of the election itself. And as to this quarrel, few young men had the temper of this young officer, [Captain Preston,] in ordering off his soldiers; so that instead of the censure of that House, he deserved their praise. At his age, Mr. S. would not have ordered his men off; and as to the censure on the military, inserted in the report, he did not agree with it. It would be a very fine reason, to be sure, to vacate a seat in that House, because one of the Electors had been seen with a club under his coat! Mr. S. was sorry to give such a description to the Eastern members, of the manners of his country; but he did so, that he might hinder them from being hurt at the facts brought forward in the evidence. He concluded, by reminding these members that it would be ridiculous to measure one thing by another, which was perfectly opposite, or to judge of a Southern by the customs of an Eastern election.

Mr. CLARK said, that three days had now been spent upon this business. Long speeches did not alter the way in which members were to give their votes, and they were therefore nothing but a loss of time; he wished for the question.

Mr. MACON said that there was no law to hinder the militia from attending elections.

Mr. GILLOX spoke for a few minutes. He saw no reason why another member [Mr. W. SMITH, of S. C.] should be so much hurt by the circumstance of an election riot. Referring to the speech of Mr. S. SMITH, he observed, that there was a riot at the gentleman's own election, and in his own favor; and still worse, this riot was in a Church: the riot was raised by a Magistrate, who, with his own hand, dragged one of the opposite party out of the Church. And if you want evidence of all this, said Mr. GILLOX, I myself was present, and can be a witness. Mr. G. saw, therefore, no reason why there should be such a noise about this election in particular, when others were just as bad, or a great deal worse. The member [Mr. PRESTON] was duly qualified to hold his seat, and Mr. G. hoped that he would hold it.

Mr. SEDGWICK, Mr. NICHOLAS, Mr. LYMAN, Mr. LEE, and some other members also spoke; but it is not necessary to go into further detail. The question was at last called for. Mr. AXES proposed that the yeas and nays should be taken, but this was not done.

The petition of Mr. Trigg, and the report of the Committee upon it, were rejected, without a division.

And the House adjourned.

WEDNESDAY, April 30.

Mr. CLARK, from the committee to whom was referred the petition of the inhabitants of Post St. Vincennes, communicated by a written Message from the PRESIDENT of the UNITED STATES, of the fifteenth instant, made a report, which was read and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, or what, further revenues are necessary, to report the ways and means; and, after some time spent therein, the Committee rose and reported progress.

INDEMNITY FOR SPOILIATIONS.

Mr. GOODHUE laid on the table the following resolution:

"Whereas, it is a primary object in the establishment of Civil Government, to protect the persons and property of its citizens from the violence of nations as well as individuals: and whereas many of the citizens of the United States have suffered great losses, by spoliation made on their commerce, under the authority of Great Britain, in violation of the Law of Nations and the rights of neutrality:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States will guarantee an indemnification to all such citizens of the United States, whose property may have been captured and confiscated under the authority of Great Britain, in violation of the Law of Nations and the rights of neutrality."

At the same time, Mr. GOODHUE observed, that as the session was drawing towards a close, it behoved Congress to take the subject of the spoliations made on our commerce into consideration, and quiet the mercantile interest of this country, by assurances that indemnification should be made for the immense losses they had sustained by British spoliation, to which, upon every principle of justice as well as policy, they were entitled. He had specified no fund from which the indemnification should be made, as he conceived we should be better prepared to do that when the result of the intended negotiation was known, than we were at present. He then moved that this resolution be referred to a Committee of the Whole House.

Mr. SEDGWICK wished that the subject might be treated in the abstract, without any reference to collateral questions. He had not formed his mind on the subject.

Mr. NICHOLAS thought that the motion should be referred, not to a Committee of the Whole House, but to the committee that had already a motion of this kind before them, and likewise petitions on the same subject from various parts of the Union. He did not wish to go into the subject, till he knew the sentiments of the gentleman [Mr. SEDGWICK] on the mode of refunding to Government, which was not to undertake so great a task without a view to retribution. [Mr. N. seemed here to refer to the scheme of forcing Britain to refund.] If we engaged to pay these losses, referred to in the resolution upon the table, it was proper at the same time to secure a fund for the discharge of them. It was, no doubt, a very hon-

orable idea to refund to the citizens of America the losses sustained in trading under her protection; but the principle laid down in the preamble to the resolution, extended very far. By the same doctrine, we should be bound to repay the damage committed by the Algerines, and by the Indians on the Western frontiers. Was the gentleman [Mr. SEDGWICK] prepared to vote for making up the losses of the farmers in the back settlements, for all the murders committed on their settlements for a series of years past? That gentleman had been always opposed to retaliation, and Mr. N. could not consent to discuss the one resolution, unless he was assured that he was to be supported by the other.

Mr. SEDGWICK said, as to the present resolution, he had never heard of it till this morning, and so he could not speak to it. He was perfectly convinced of the propriety of discussing the resolution for indemnification, independently of any other question.

Mr. SMILIE insisted that the resolution just now laid upon the table should be connected with a second, for securing indemnification to the American Government. By this he referred to the scheme of retaliating on Britain.

Some other members spoke a few words; and Mr. MADISON had then risen on this motion, viz: for a Committee of the Whole House on the resolution of Mr. GOODRUE, but he was informed, by the SPEAKER, that it had been just then withdrawn.

FORTIFICATIONS.

The House resolved itself into a Committee of the Whole House on the bill supplementary to "An act to provide for the defence of certain ports and harbors in the United States."

The CLERK read a memorial from Annapolis, and

Mr. BOURNE moved that the Committee rise and report the bill.

Mr. HILLHOUSE objected to this motion.

Mr. FITZSIMONS thought it proper to fortify Annapolis; the expense was but a mere trifle. As to the Senate having formerly rejected this proposal, that rejection had not any weight with him.

Mr. MURRAY said, that the gentleman [Mr. HILLHOUSE] could not have heard the memorial from Annapolis, or he believed that he would not have opposed the bill. The memorial stated a number of facts, which arose from the peculiar circumstances of Annapolis. Whoever would attend to the situation of that city, would see that there were reasons existing for its defence which particularly applied. It was situated near the mouth of the Severn, and about the centre of the State—near the bay, and quite exposed to an enemy. That it would be easily fortified, was proved by the experience of the last war, when a fortification not only defended the city, but gave confidence to the navigation of the Chesapeake. At that time, the only fortified place in Maryland was the town of Baltimore, which, as being situated near the extreme parts of the bay, could not have furnished

a place of refuge for bay-craft when pursued. The bay was often infested with privateers and gun-boats; and had it not been for the fortification of Annapolis, which was convenient to the navigation, many vessels would not have ventured out of harbor. All the experience of the last war showed the propriety of again fortifying that harbor. If that were done, the city would not only be secure, but a confidence would be given to the navigation of the Chesapeake; and this bay is really a Mediterranean on a smaller scale. Mr. M. said, that he believed he did not over-calculate the navigation of that bay by saying that one side of it—the Eastern Shore—had as many water-faring men employed, in proportion to the whole number of the inhabitants, as any part of the Union. Annapolis, besides giving occasional protection to vessels, was the capital of the State. As such, it was the depository of the Treasury of Maryland, of the records, in which the rights and titles to land of a great portion of its inhabitants were deeply involved, and it was the Seat of Government. To leave it defenceless, was to commit the peace, rights, and interests of the State to accident, and eventually to the confusion which would ensue from an attack on those objects of public care and attention. These considerations did not, he thought, apply to any other of the ports which had been struck out in the Senate, among which Annapolis fell, with others of small commercial character. He believed that the wishes of his constituents, and of the citizens of Maryland in general, were very much excited in favor of this measure; and he trusted that those who saw the peculiar situation and character of the city, would immediately perceive that there were a number of striking considerations that applied in favor of its defence, which did not so forcibly apply to the other small ports which had been omitted.

Mr. HEATH did not rise to controvert the remarks of Mr. MURRAY, but he wanted other towns to be comprehended in the bill. He proposed an amendment.

The Committee agreed to this bill by a large majority, and without amendment. The Committee then rose, and the Chairman reported progress.

Mr. W. SMITH next moved, as an amendment, that the PRESIDENT should be authorized to add any other places that he thought proper, to the number of ports and harbors to be fortified.

Mr. S. SMITH considered the amendment as unnecessary; and, after a short conversation, it was withdrawn.

The bill was then ordered to be engrossed for a third reading.

THURSDAY, May 1.

An engrossed bill supplementary to "An act to provide for the defence of certain ports and harbors in the United States," was read the third time, and passed.

PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole House on the report of the

MAY, 1794.]

Public Credit.

[H. OF R.]

committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit; and, if further revenues are necessary, to report the ways and means.

Two resolutions were read: the first was, that five cents per hundred dollars be laid on every transference of stocks in the public funds; and the second, that five cents per hundred dollars be laid on the transference of stock in any of the other Banks of the United States.

Mr. S. SMITH said, that if this tax seemed too light, it was to be remembered that transferences were frequent.

Mr. HUNTER, of South Carolina, had a resolution of the same kind in his hand, but when hearing the others read, he preferred them to his own.

Mr. AMES, in a speech of some length, enlarged on the state of Public Credit, and the propriety and necessity of its being supported by Government, since it had once been adopted. This tax on the transference of the Public Funds tended to injure it, by sinking their value. When we next want to borrow, and shall go to market, the lenders will rise proportionably in their demands, and refuse a loan on the terms which they before accepted. Hence we shall lose, instead of gaining by it. Let gentlemen reflect on the consequences of unsettling all ideas of property, which must be the result of this proceeding. He was not one of those who despised the Funding System because it was unpopular, for it was the property of a Republic to set right above power. The Funding System had of late become a favorite topic of newspaper eloquence. As parties were inseparable from the nature of a popular Government, so this subject had been employed as an engine to render that of America an object of contempt and abhorrence. It had been loudly said, that the Representatives in Congress from one of the New England States had immense property in the Public Funds, when, in fact, their whole income from that source was not sufficient for buying oats for their horses. To say, therefore, that they were under influence in their political conduct from such motives, was the merest bagatelle that can be conceived; and the groundless jealousy that it has excited may be considered as a very strong counter-balance to the interest of those members who were the objects of suspicion. People dream that Congress are voting money into their own pockets. The propagation of this idea promotes the dirty purposes of slander, abuse, and falsehood. By such unworthy means, the blossoms of public confidence in Government are mildewed and blasted. This is more especially the case in the Southern States; and this dissatisfaction offers an apology for taking notice, in this House, of the abuse of newspapers. In the United States, taxation of the Public Funds is nothing more or less than the debtor taxing the creditor; and so questionable an expedient will recoil with tenfold force on the credit of Government itself. The progress of this measure would degrade the Public Debt into a paper rag. It had been complained of in this country, that foreigners had too great a share in the Funds, and Mr. A. was of opinion that it

would be better if the money were all owing to American citizens. But, while things are in their present state, this tax would enable such foreigners to buy more debt out of the country and send less money into it in place of the debt. Public Debt is a ground which cannot be trod with impunity. We may soon, on such a precedent, go still greater lengths; a few events may force us to apply to the moneyed men, and then will be seen and felt the miserable termination of this policy.

Mr. CLARK said, that the gentleman [Mr. AMES] had made a long speech with respect to newspapers. What was his meaning, or what he referred to, Mr. C. could not tell; but he supposed that the gentleman had an intention of publishing his speech in answer to these newspapers. It was to be hoped that he would make it so that it could be understood. If it contained arguments, they were above his reach, and there he should leave it. He closed with speaking a few words on a proposal for taxing bonds.

Mr. LYMAN observed that, notwithstanding there were many objections against this part of the stamp duty, he was willing, if the whole report of the select committee was embraced, and the doctrine of stamps introduced, that the item now before the Committee should be blended with the others; but he had many doubts in his mind against the expediency of resorting to that source of revenue at this time, and hoped that other more convenient sources might be found.

Mr. BOURNOR had no doubt of the right of Government to lay the proposed tax of five cents per hundred dollars on the transference of public funds. He saw no reason why that kind of property should be exempted from the right exercised of taxing other property. So far as the moral principle went, he was satisfied; and he had yesterday, on first hearing of this scheme, resolved to support it. But, in imposing taxes, we must consult not only morality but expediency; and here he had numerous objections to the resolution in its present shape. He wished to make it a stamp on every transference, without regarding the sum, because when it came to be a considerable sum, such as a thousand dollars, the duty would not be paid. The duty of five cents amounts, on a thousand dollars, only to half a dollar. He wished to make no distinction by specifying the transferees of Public Funds, but just to make it, at once, upon all transferees of money. By this reserve in expressing the intention of the clauses, the House would avoid giving any alarm to public creditors, and the matter would pass with little or no notice. But if the clause stood alone, in this marked way, the report might reach Europe that American funds were to be taxed, and the very sound of such a measure might do us more mischief than the object was worth. Mr. B. stated an error adopted in the old Governments of Europe as to taxing public funds. They had been taxed specifically under that title, which sunk their value. But a tax should have been contrived for property in general, that would have comprehended them without pointing them out in particular, which always sunk their value. Returning to the ques-

tion before the House, he foretold with confidence that, if the tax were imposed without any reference to the sum transferred, there would be fifteen or twenty bonds, if the duty was moderate, for one upon the present plan, by which twenty shifts would be made before a bond would be employed. At the same time, he was satisfied that the right of Congress was equal to the taxation of public funds, as well as of any thing else.

Mr. TRACY objected to the imposition of a tax upon this kind of property. On this question he was at freedom to speak with perfect impartiality, for he had never once seen public paper till he came to Philadelphia, and he most certainly never owned a single farthing of it since he had an existence. The clamors, therefore, with regard to a paper interest, could not be applied to him. But, by giving this explanation, he did not mean to say that if he had been a stockholder he would have suppressed his sentiments. Gentlemen in that situation were just as much entitled to attention and confidence on this question as any other members. After this introduction, Mr. T. went on to state, that it was an act of injustice to tax the transference of public debts, for this reason, that a freedom of transference was part of the bargain between Government and its creditors. He had no verbose arguments on the subject. His objections were simple, and come at once to the point. A breach of bargain was a breach of honesty, and as such could never meet with approbation from him. We gave paper, said Mr. T.; transferability formed a part of it. Now, we come forward and say to the creditor, you shall not transfer unless you give up a part of your debt. He would have been very glad to vote for this tax, if he could have voted consistently with justice; but, feeling as he did, he could not give his consent.

Mr. NICHOLAS was of an opposite opinion from Mr. TRACY, as to the justice of the tax. He was convinced of that, as well as of its expediency. It had been urged that we should pay three or four times more in the next loan, in proportion, than the tax was worth, because, when the system of laying a duty on the funds was once begun, there was nobody could say where it was to end, and therefore every body would scruple to give us credit. To this his answer was, that the funds already borrowed could not be affected by this bill, because they were already in our hands; and, as to the future loans, in these the creditors had it in their power to make an express stipulation for no tax on their funds. This would answer the purpose completely, without recurring to those alarming presages of the loss of credit.

Mr. AMES, in reply to Mr. CLARK, said, that the gentleman had complained of his being unintelligible. With regard to the defence that he had made of the character of members, reported to be creditors in the funds, the style of newspapers, of pamphlets, and of debates in that House, altogether justified the propriety of an explicit vindication. He appealed to every member who heard him that, excepting only the debate on the adjournment of Congress, there had not been a single discussion of any length, for a considerable time

past, where there had not been some pointed allusion to this paper bugbear. This Government, said Mr. A., has been painted as an object of suspicion and abhorrence. The gentleman [Mr. CLARK] complains that I am beyond his reach. He has made himself sufficiently intelligible, and has perhaps had his share in drawing such pictures. Recurring to the question before the Committee, he said that, when the Funding Act passed, no man will affirm that there was any notion of such a tax understood. No civilized nation can keep its credit while it taxes its public funds. Property is in general, to be sure, a fair object of taxation, but this tax cannot be levied with perfect equality, for it is beyond the knowledge of any Government; and, were it even within the knowledge of a legislator, still it is beyond his power. There was no way to get at an exact acquaintance with the universal state of property, but by cutting off people's heads and searching their repositories.

Mr. WICK wished to know who were the creditors in the public funds. Are they the original holders, the poor soldiers, who gave birth to this country? Or are they a set of men who have purchased the claims of these poor soldiers for a trifle, perhaps for half a crown in the pound? Surely, if this be the case, no creditor would grumble in paying the proposed tax on the transfer; and if he should complain, was it tolerable to hear such a property held up as an unfit object for taxation?

On dividing the Committee, on the motion for a tax of five cents per hundred dollars upon the transfer of public debts, fifty-three members were in favor of it—the nays in the question were not counted.

The motion for a tax to the same extent, on every transference of Bank stock, passed unanimously.

A resolution for a tax on manufactured snuff and tobacco was next read. Mr. SCOTT rose and observed, that it was a home manufacture, and he did not wish to meddle with it, for that was a bad precedent. He should therefore move to strike it out.

Mr. MURRAY hoped, that the motion for striking out the tax on snuff and tobacco would not succeed. At a moment when we are looking about for proper sources of revenue, he thought that these objects came very aptly into view. They are articles that will bear a moderate tax, in particular the first. It is true, that a tax on snuff will not operate upon all men, but those who will be affected by it are well able to bear it. It will be paid by the wealthy, and it will be paid with the less reluctance, because its use is in a habit, which a man does not easily give up, and which, from its nature, can never be expensive. The quantity consumed by an individual is small, and the article itself is here extremely cheap. Formerly a pound of snuff was sold at the lowest at three-fourths of a dollar per pound. Snuff was now manufactured in this country as good as that imported, and is sold at a quarter of a dollar per pound. As to the objection that it was a tax on home manufacture, the precedent had already ob-

MAY, 1794.]

Public Credit.

[H. OF R.]

tained in the duty on distilled spirits. Mr. M. approved the principle of taxation that connected the payment with an enjoyment of luxury. The mind lost its repugnance in the pleasure derived from the article taxed, if the discharge of the tax preceded the gratification.

Mr. MACON observed, that the tax came to about four dollars per hundred weight, whereas the raw material itself cost about three dollars. This was, he believed, the first instance in the history of taxation where a raw material was taxed to more than its value. He was entirely against the resolution.

Mr. FINDLEY entertained an opinion that the resolution was in its principle ensnaring, and could never be reduced to practice. People would raise it for themselves, as in fact a great number do at present. In the country, boys were suffered to plant and sell it; and how was it possible to raise a revenue on such resources? It never could be made productive, but it would ruin the manufacture.

Mr. S. SMITH, of Maryland, said that he believed his colleague [Mr. MURRAY] felt some delicacy upon this subject, and, making use of tobacco himself, did not choose to oppose the tax, from a desire of appearing disinterested. After some other remarks of an amusing nature, he stated that this tax went directly to the destruction of the staple commodity of three or four States in the Union. It was likewise, in another point of view, a dangerous precedent; for we should next go round all our manufactures, and every thing would be taxed; he was against the resolution.

Mr. FITZSIMONS considered the present as one of the best resolutions in the list. He did not know what he would have been more ready to propose.

Mr. SEDGWICK was of the same opinion.

Mr. W. SMITH could not discover why tobacco might not be taxed, just as well as salt and other articles. We cannot step into a coach without paying a tax—why then scruple to tax other articles of luxury?

Mr. MURRAY, in reply to Mr. S. SMITH, said, that if he thought the tax would injure one of the staples of Maryland, it would be with great caution that he should support it. But he denied any such consequence. The price of snuff is a price annexed to the labor and ingenuity of the manufacturer, and not an effect of the value of the tobacco, which was very low. He did not believe that the price of tobacco was perceptibly affected by the home demand for manufacture, but altogether by foreign markets. Farmers use unmanufactured tobacco, and very little snuff. He still thought the principle sound, and that it was a capital object to render taxation light and easy to the feelings of mankind. To do this, if you incorporate the tax with some luxury to be enjoyed, you render it more pleasant by a natural association. There was, he thought, a similitude between this tax and that on distilled spirits. Each was a tax on a home manufacture; each was a tax on consumption. The duty in the present case did by no means bring down the sale of the

home made article to a competition with the foreign article. Notwithstanding this tax, American snuff would forever undersell that imported, from its being twice, if not thrice, as cheap. For, even after the eight cents proposed on snuff was paid, the price would be extremely low. As to any opposition to the collection of the excise, a possibility which had been adverted to by some former speaker, he thought that no argument could be derived from that, which at once held up the folly of those who constituted the example. He did not fear that any class of citizens would be so riotous, so ignorant, so savage, as to resist the measures of Government. The enlightened freemen of this country would not tumultuously oppose a law made by legislators whom they had themselves chosen. He thought the tax easy, as falling on the more wealthy, and one which would by no means affect the staple of the country.

Mr. CLARK was against the resolution.

Mr. S. SMITH agreed perfectly with the judgment of the member from Pennsylvania, [Mr. FINDLEY,] that the tax would destroy the manufacture, and raise nothing. Every body would use a kind of unmanufactured tobacco, that has a well known name, as there was no mention of that article in the bill.

Mr. AMES approved the tax, as one of the best which he knew.

Mr. MADISON had always opposed every tax of this nature, and he should upon all occasions persist in opposing them. If we look into the state of those nations who are harnessed in taxes, we shall universally find that, in a moral, political, and commercial point of view, excise is the most destructive of all resources. He did not say this, because excise had been a frequent topic of popular declamation. He was not guided by that, but he knew, and was sensible, that it produced almost in every case the most disagreeable consequences. Yet he admitted that the excise upon ardent spirits was a very natural expedient in the American Government, who saw such immense quantities of foreign spirits imported. Much of the collection of this tax on tobacco would depend on the oath of the manufacturer, and this was but another term for the multiplication of perjuries. The tax would therefore injure the morals of the people. He liked much better some other taxes in the list before the House, and recourse might be had to them. He should oppose this tobacco duty with every vote that he gave on the question.

Mr. AMES replied to Mr. MADISON, who spoke a few words in explanation.

Several members then requested that the clause might be deferred till to-morrow; accordingly, the Committee rose without coming to a division. The Chairman reported progress, and at three o'clock the House adjourned.

FRIDAY, May 2.

A memorial was read by the Clerk, subscribed by certain manufacturers of tobacco, in the city of Philadelphia, against a resolution at present before the House. [This resolution is for imposing

a duty of four cents per pound upon all tobacco, and eight cents per pound upon all snuff, manufactured in the United States.]

PUBLIC CREDIT.

It was then moved that the House do resolve itself into a Committee of the Whole, to consider on the report of the Select Committee on Ways and Means.

Mr. GILES wished that a private petition might first be discussed, as it would take up only a short time, and then the House might proceed with the ways and means.

Mr. TRACY said, if we cannot proceed with despatching business in a regular way, it will be much better to rise at once, and go home.

Mr. S. SMITH wished to delay the private petition because he intended, this day, to move, that the House shall meet to-morrow morning (Saturday) for private business, and then the petition could be discussed, without interrupting anything else.

Mr. W. SMITH said, that there was much business on hand, and if the House were to indulge every gentleman in requisitions of this nature, they never would get forward.

The motion for a Committee of the Whole House, on the Ways and Means, was carried—Mr. SHERBURNE in the Chair.

Mr. TRACY. If there ever was a luxury, snuff is one. If we are to excise at all, this subject is one of the best. It had been said, (referring to an observation made yesterday by Mr. SMILIE) that taxes, which were paid *imperceptibly*, were more dangerous than others, because, by these invisible or imperceptible kinds of taxes, the people were seduced from thinking to what purposes their money went. Mr. T. could not believe that the member was serious in advancing such a doctrine; for the sum of it is, that, when taxes are to be raised, Government is in duty bound to give the people who pay these taxes, *as much trouble as possible*! There was nothing but this alternative—a tax on tobacco, or a land tax—which was equivalent to a tax upon necessities. Many of his constituents raise no more grain than was necessary to maintain themselves; so that, with respect to them, a land tax was a tax upon necessities. Mr. T. adverted to the weakness of complaining, because Government was attended with expense. People might as well complain as to the expense of fencing a wheat-field. Liberty, without Government, was worth nothing; it was a mere sound—and there never has been, and never will be, a Government that does not require expense. One circumstance recommended this tax—it was to be collected without any addition to the number of revenue officers. If it is true, as has been stated, that snuff has, in some of the Southern States, become a necessary of life, he would not wish to burden it. He next adverted to an assertion made yesterday, by Mr. SMITH, viz.: that this duty on tobacco, went directly to the destruction of the staple commodity of three or four States of the Union. He could not see that there was any danger of this kind. [Here Mr. S. SMITH rose, and said, that

the assertion had been made, not by him, but by a member from North Carolina.]

The gentleman from Maryland had also expressed his apprehensions, that the tax might be augmented, till the culture of tobacco was extirpated. He [Mr. T.] could foresee no chance of any such consequence. If he did so, he should be sorry to support the resolution. He had no desire to crush an infant manufacture. Perhaps it would be found advisable to reduce the proposed duty; and, for this reason, he recommended to the Committee, that the number of cents per pound, in the resolution, should be left blank.

Mr. FINDLEY:—Ruin and depravity have always attended excise. It has been one of the principal sources of the corruption of Britain. The same effects must follow in America. He objected to the mode of taxation; and, besides, the tax is partial. It falls on the poor in cities. In the country, nobody will pay it.

Mr. SEDGWICK would vote against the tax, if he thought that it was contagious for public morality. But human nature has always been very corrupted, without the aid of excise laws. The State which he represents has been excised for two generations, and yet no bad consequence has arisen to the morals of the people. As to the corruption of Britain, described by the member who spoke last, he admitted that the account was just, but this was not to be traced to excise laws. They had been the subject of much clamor, but what in fact, was their history? A profligate opposition rail at all the measures of a Minister whether they be good or bad, and an excise act is often one of them. In the course of political changes, these men get into place. But they do not attempt to take off the taxes against which they declaimed. In the mean time, the new ex-Minister harangues against the very taxes of which he was the author. As to this law being a source of perjury, oaths are necessary in imposts of all sorts. Why, then, object to them in this particular instance? Is an excise oath worse than a custom-house oath? There is often no other method of getting at truth. If we desert this way of raising revenue, what are we to do? Taxes cannot be imposed on personal income, with any sort of justice, because the actual degree of a person's wealth does not depend on the nominal amount of his income. One man has a thousand dollars a year; but such may be his situation, that the taxing him in so small a sum as ten dollars, may be distressing. Others, again, with only five hundred dollars per annum are, perhaps, in much more easy circumstances, than the former, upon whom the tax of personal revenue would press with superior weight. Direct taxes, Mr. S. regarded as of an improper nature. But, with regard to snuff and tobacco, nobody can ever feel the burden of a trifling tax upon them. If we are obliged to tax salt, why shall we scruple at taxing tobacco?

Mr. SMILIE considered this measure as pregnant with serious consequences. He was opposed to every system of excise, because such systems had always produced mischief. If this were a despotic country, he could see a good reason for an excise

MAY, 1794.]

Public Credit.

[H. or R.]

system of revenue, because it was proper, in that case, to debase, by every possible expedient, the minds of the people, that their feelings might sink to a level with the meanness of their condition. But in a Republic, taxes should be of a different nature, and operate with a different tendency. As to what had been said by Mr. TRACY, he was quite serious in his conviction, that taxes ought to be raised in such a way, that the public might not only pay them, but at the same time, *feel* them. This would teach them to think a little better in what way their money goes; and then, and not till then, there will be an abridgment of the expenses of the Federal Government. How do gentlemen come to speak, as if there were no abuses in the present American Administration? Are there none? If the present tax on tobacco had been proposed by a Minister, Mr. S. would not have been surprised at it. But he was somewhat amazed that this measure should be suggested by the Representatives of a free people.

Mr. AMES had a better opinion of Government than the gentleman who spoke last. He did not think excise a mark of despotism. He did not think the people stocks and stones; or their rulers knaves and fools. The member had spoke of the citizens of this country, as if to rouse their attention it was requisite to keep a flapper, like that of Gulliver, at their ears. In some States, perhaps, the public were stupid enough to require a flapper. In the part of the country which Mr. A. represented, there was no need of artificial provocation to keep alive the sensibility of the people to their rights. The gentleman had said that a Minister of State had no other object in view but to fleece the public.

[Here Mr. SMITH explained.]

Mr. AMES replied, that, whatever were his words, that was his exact meaning. It was perfectly understood, and was exceedingly unjust. As to the resolution upon the table, is there any comparison between a snuff tax and a land tax? Land is the great *substratum* of American prosperity. Difficulties had been started, as to the collection of excise; an oppressive law was a bad thing, but resistance was worse. Can any man think that a land tax does not open a much greater door to imposition than a tax on tobacco? In what way is a land tax to be laid, that can avoid inequality and injustice? Are we to tax the public funds, that last, and most desperate resource of national distress, and then to be told, that we dare not impose a duty on snuff and tobacco?

Mr. S. SMITH considered the observations of the member who had just sat down as amusing and ingenious, but they were not satisfactory. To him, it seemed a very odd scheme to crush American manufactures in the bud. Men of capital and enterprise advanced large sums of money in erecting snuff mills. After long exertions, they began to reap the reward of their expenses and their labor. At that critical moment, the Government souses down upon them with an excise, which ends not in revenue, but extirpation. In his opinion, the resolutions before the Committee comprehend very great injustice to the manufacturers of tobacco.

co. He understood that a snuff mill required a capital of five thousand pounds to begin with. We are going to impose eight cents per pound on snuff, which is *double* the price of the raw material. Here Mr. S. inferred, that it would be necessary for the snuff-maker to possess an addition of *double* his present capital; so that, instead of five thousand pounds, he must possess fifteen thousand, before he can begin, or support business. After paying so vast a duty, house-rent, the wages of journeymen, and a multiplicity of other disbursements, he is to give credit to his customers for six, nine, or twelve months. This was another hardship. He must keep accounts of his sale.

The words of the report, referred to by Mr. S., are as follows:

"He shall enter into bond, with sufficient security, to render a faithful account, every three months, of the quantity of tobacco or snuff sold or sent out, within that period. Previous to taking any tobacco, for the purpose of being manufactured, he shall notify the same to the Office of Inspection, and shall keep a book, in which shall be entered daily, the quantity of tobacco or snuff sold or sent out in each day."

This regulation may often prove a very great hardship. It will require an extra clerk, at an expense of three, four, or five hundred dollars per annum. For the manufacturers of snuff, this might be practicable; but, at least in his part of the country, tobacco spinners are poor, ignorant creatures; many of whom cannot so much as read. How are they to keep accounts, or how are they to escape perjury, when you bid them do what they cannot possibly do? Besides, tobacco is frequently sold, not by weight, but by the yard. It had been said, that this tax was not more exceptionable than the excise upon spirits. This comparison did not hold.

By the tax on distilleries, the agriculture of the United States was greatly promoted. Land that would not bear wheat was, in consequence of that excise, and the encouragement at the same time given to this manufacture, covered with crops of rye. Hence, there was no just resemblance in the two cases. But if we are to excise every thing, Mr. S. said, that the Committee might excise, as properly as tobacco, those strings of onions, that were sent from Connecticut all over the Union. They were the staple of that State, just as tobacco was of Virginia, and were equally fit to pro-

* In the English act of Parliament, on this branch of revenue, there is a clause of the same nature, which has been converted into a dreadful engine of authority. The following circumstance respecting it is mentioned by the writer of the Political Progress of Britain. "An old woman in Edinburgh had been in the practice of supplying her neighbors with half-penny-worths of snuff. She was ordered, under a penalty of fifty pounds, to pay five shillings for a license, and she did so. Had she been able to buy from the manufacturer four pounds of snuff at a time, the matter might have rested there; but, as this was beyond her power, it was required by the terriers of taxation, that she should make oath, once a year, to the quantity she sold. Her memory failed, and she is now, (1792,) with a crowd of other victims, in an Excise Court, which will, very possibly bring her to beggary. This is like a drop in the ocean of excise. The very sound of the word, announces utter destruction; for it is derived from a Latin verb, which signifies, to cut up by the roots."

The advantages of an independent press were fully proved in the course of this procedure. A true history was regularly published of the proceedings of the Excise Court: a sense of shame drove several of the Judges from the bench; and this nuisance has since been greatly corrected.

H. OF R.]

Public Credit.

[MAY, 1794.]

duce a revenue. He fancied that we should next hear of an excise upon *nails*. Prohibitory duties had been laid for the encouragement of this manufacture in America. Progress had consequently been made in the business; and now there was nothing wanting but a smart excise duty to knock it on the head, under the pretence of exacting a revenue. Calico was another article that we should, no doubt, saddle with a stamp duty, as had been the case in Britain, where it produced a great revenue. In the case of the present tax, it would be said that the manufacturer must lay it on his customers. Yes; but will his customers advance him a capital double to what he had before? Besides the tax, he must have visits of excise-men, which are, in themselves, extremely troublesome.

Mr. NICHOLAS. We are going on exactly in the steps of Britain, of which this excise is one instance. That country once had a revolutionary spirit. How sunk are they now! Not one-tenth part of them dare to say that they are against the war with France, which is sweeping them with velocity over the precipice of ruin. At least, it is the common opinion in the United States, that their French war is the road to ruin. What has degraded and annihilated the spirit of Britain? Public debts, taxes, and officers of Excise. One-half of the nation has been loaded with the plunder of the rest. It is too much the American character to bear as right, what does not immediately hurt. It is a duty to keep the citizens alive to the operations of Government. It is somewhat strange to blame this attempt, when there is such an alarming indifference on the subject. As to this tax, it will put an end to the consumption of manufactured tobacco. Planters will make it ready for themselves. They can do so with very great ease by a method in the process of curing it. Mr. N. was therefore against the resolution.

Mr. DEXTER observed, that very few of the objections were confined to the question. Some were arguments against all excises; some against all public contributions; some against the nature and administration of our Government; and some against all Government. The statement of the gentleman from Maryland, [Mr. SMITH,] that the duty would make three times the capital necessary, he said, could not be accurate. He had reckoned the cost of the raw material as the only capital employed. If this be true, as he states, tobacco at four cents per pound, and snuff is worth thirty cents per pound, it follows that the manufacturer makes 750 per cent. nett profit. This cannot be true; the principal capital must be employed in preparatory works and labor of manufacturing. He added, that our having formerly protected the manufacture, is no reason against now taxing it; it would rather be a reason for calling on it to contribute to the public burdens. He said, the same gentleman asked, why there is no excise on beer manufactured in New England, as well as on Southern whiskey? I answer, beer is not manufactured there in any considerable quantity; if it were, it ought not to be taxed. New England rum is taxed enormously. The duty on this and whiskey are protecting duties to good morals. The

use of snuff and tobacco is certainly a mere luxury, or rather folly; and all who use, and, of course, pay the duty, are volunteers. A land-tax, which is named as a substitute for this and every thing else, is a tax very unequal, and laid on all the necessities of life, and oppressive to the laborious poor.

It looks like Governmental rapacity, which is so deprecated by the gentleman from Pennsylvania, [Mr. SMITH.] He has more than once told us that insensible taxation is dangerous; and that we should make the people feel the taxes they pay; the way to make them feel taxes, is to lay those which will be most inconvenient. The argument, then, is, that the most inconvenient tax is the best. The very fact stated to reason from, is the strongest reason in favor of indirect taxation, viz: the burden is so small that the people do not feel it. What the gentleman's meaning is, unless it be that measures ought to be taken which may make the people dissatisfied with the Government, is difficult to say. The same gentleman has said, that all excises are against the spirit of a Republican Government like ours. It is strange, said Mr. D., that the spirit and letter of our Government should be so contradictory; for, by the Constitution, excises are expressly provided. The man who buys his food and clothing in small quantities, as he can obtain the means, does it much more easily than he could purchase a stock for a year at one time; and he who buys dutied articles, and regulates his consumption by the price, pays his tax in small portions, with ease, when he would be distressed by being called on to pay the whole sum in gross annually. Mr. D. proceeded to say, that as to the fears of the gentleman above mentioned from Pennsylvania, and also of the gentleman from Virginia, [Mr. NICHOLAS,] he had heard them too often to be alarmed at them. They seemed like a sale coat, made for any subject. He said, that a fact satisfied his mind on the subject. Massachusetts is a land of equality beyond any on earth. Scarce a man among them is rich enough to keep a coach, and scarcely one so poor as not to keep a horse; learning is more equally diffused there than in any part of America; their morals are so pure that crimes hardly have names; yet this happy race of equal Republicans never, since the institution of our Government, have sent one member here to whine or thunder about the aristocracy of our Constitution. He said, he would not compare this State with others in the Union; one man was not there disposed of at the will of another. As to the fear of the gentleman from Virginia, that excises would destroy American liberty, Mr. D. said, there was no danger of it. The character of individuals form the character of the Government. A people are never enslaved until they need a master. The American habits exclude all danger. That excises and slavery exist together in some parts of Europe is true; but it remains to be proved that one is the cause of the other. If we have the benefits of Government, we must pay for them. There was a time, said Mr. D., when laboring under the debility of disunion and the distresses of

MAY, 1794.]

Public Credit.

[H. OF R.]

anarchy, we rejoiced that the people had instituted this Government. It is now represented, not as the guardian of liberty and innocence, but as the assassin of both. What has happened to change our opinion? Under its auspices we have increased in strength and riches; we are now free and happy, when the world is in confusion. The gentleman from Virginia seems to despise our present happiness, unless it can be eternal. Why, sir, should we expect this? Nations, like men, come to maturity; they grow old and perish. The sun must go out in darkness; the earth must be burnt up; nature must expire in agonies. What right have we to claim to be an exception from general rules? All nature is in perpetual revolution; we are a part, and must revolve with the whole. The system suffers, and probably requires constant renovation. Succession appears to be a law of nature as universal as her works, and as immutable as her Author.

Mr. CLARK said, that the gentleman, who had just sat down, had put an end to all further necessity for discussion on this question. His panegyric on the character of his constituents, (the people of Massachusetts,) ascertained that they were undoubtedly the first people, and most enlightened republicans in the Union; and, as they would, no doubt, send the best informed persons among them to Congress, it followed that he [Mr. DEXTER] and his colleagues were the most respectable characters in the Committee, and that, therefore, the rest of the Representatives had nothing further to do, but at once give their votes as these gentlemen thought proper. Mr. C. sat down, with hinting at the waste of time, by speeches entirely foreign to the subject before the Committee.

Mr. NICHOLAS rose again. Because gentlemen did not adopt *every* measure of Government, it was said that they were enemies to *all* Government. The Federal Government never would have existed, if the people could have foreseen what sort of schemes it was to put into execution. In four years, there had been a complete revolution in the opinion of the rulers of that Government. He thanked God there was still as much principle in the people as would bring these gentlemen back to the point from which they set out. Mr. N. was highly offended at the style of the panegyric pronounced by Mr. DEXTER on his constituents, as if they possessed something about them superior to the citizens of Virginia. He understood that the member knew nothing about Virginia, unless by what he had seen of it upon that floor; and he trusted that he found nothing here that could authorize so derogatory a tone.

Mr. DEXTER rose a second time, and Mr. NICHOLAS made a reply.

Mr. SMILIE. The people of Pennsylvania are as well educated, as intelligent, and as sound Republicans as any of their neighbors. As to the State of Massachusetts, we can only judge of it by the members whom it sends to this House. Mr. S. declared that he had not been able to trace, in their conduct, any superlative marks either of ability or of virtue. There had been funded, not only

a debt which the United States, *owed*, but *another debt, which they never owed*. Had not these members supported this system? Was this an act that demanded the confidence and gratitude of the public?

Here Mr. CLARK requested to be heard. "I thought," said he, "that the question before us had been something about *tobacco*."

Mr. MADISON professed an aversion to all comparisons; but, if they must be made, it was proper to draw them with the strictest regard to truth. He agreed with the gentleman from Massachusetts lately up, that the citizens of that State were good Republicans, but so were the citizens of other States. Laws were fast equalizing the manners of Americans all over the Continent; and no where with more rapidity than in Virginia. The people there are not less truly Republican than others. There had not been a single insurrection in that State, since the first Declaration of Independence; nor any resistance to the laws. Excise had, indeed, been very unpopular in the Southern States, compared with what it was in the Eastern; but for this there was a very good reason. The tax was not only one to which they had not been accustomed, but it fell much more heavy upon the Southern than upon the Eastern States, where it was likewise familiar. The people of Virginia had never been discontented, even when paying heavy taxes, before the institution of the Federal Government, at the amount of taxes themselves. Their dissatisfaction arose from the knowledge that, at that time, but a small part of these taxes went into the Public Treasury. The Collectors, in raising the revenue, speculated upon a bad paper medium, and by certain manœuvres, (which the member did not explain, but which are notoriously known) they turned the greater part of what they received into their own pockets. This was the only reason why the Virginians had formerly discovered discontent. As to the subject before the House, it was proper to choose taxes the *least unequal*. Tobacco excise was a burden the *most unequal*. It fell upon the poor, upon sailors, day-laborers, and other people of these classes, while the rich will often escape it. Much had been said about the taxing of luxury. The pleasures of life consisted in a series of innocent gratifications, and he felt no satisfaction in the prospect of their being squeezed. Sumptuary laws had never, he believed, answered any good purpose. Something had been said about the difference between direct personal taxes, and those raised by indirect means, such as excise and customs. He quoted an author of respectable character, in England, who estimated the expense of uplifting *direct* taxes in that country, such as the land tax, at three per cent., and that of uplifting *indirect* taxes, such as those of excise and customs, upon the whole, at thirty per cent.* This last was, perhaps, an exaggeration, and must be,

* Some years ago, the expense of collecting the revenues of Britain was about two millions and two or three hundred thousand pounds of Pennsylvania currency. The expense has since increased. Some taxes do not, in many parts of the country, defray more than half the charge of collecting them.

H. OF R.]

Public Credit.

[MAY, 1794.]

in part, a conjecture. But such a conjecture proved that the proportion upon *indirect* taxes was at least very considerable. Excise had at first been resorted to upon a few manufactures. The dealers indemnify themselves at the expense of their customers. At the same time, they endeavored to evade the duties, and thus there commences a struggle, which has many bad effects, both upon industry and public morals. In Europe, when tobacco is excised, the Government forbids it from being planted. [Some years ago, the British farmers were obliged, by an act of Parliament, to pull up and burn their tobacco, before it was full grown.] No such measure, he hoped, would be adopted here, but it was hard to say where the subject might, one day, end. Statesmen, in general, do not study the liberty, the virtue, or the comforts of the people, but merely to collect as much revenue, as they can. Taxes are not, for the most part, the work of patriotism. An excise established in America would discourage the emigrations from Europe, that might, at this time, be so much expected. He was determined to vote against the resolution.

Mr. BALDWIN considered that we had only a *choice of evils*. Upon that principle he preferred a snuff tax to a land tax.

Mr. FITZSIMONS knew a time when the land tax of Pennsylvania cost thirty per cent. in collecting it; and, at the same time, the officers employed were more numerous than all the revenue officers of the Federal Government at this day, put together. Mr. F. stated the former to have been about two thousand.

Mr. GILLON, adverting to some former speeches, did not rise to compliment that part of the country which had sent him to Congress. His constituents were men, and this single word implied that they had, like the rest of mankind, the common virtues and vices of human nature. As he had only been a few days in that House, he did not pretend to understand the present question of finance, so well as gentlemen who had devoted weeks or months to the subject. He was against both excise and a land tax. As to the clause of additional duty on the *importation* of manufactured tobacco, he feared that this was but a bit of gilding to cover a bad pill.

The clause referred to by Mr. GILLON, is in these words:

"Resolved, That there be an additional duty of four cents per pound upon all tobacco, and eight cents per pound, on all snuff imported into the United States."

Is this the return to gentlemen who establish manufactures, that the moment the wheel is set agoing, it must be clogged with a tax? He warned the Committee to proceed in this matter with caution, lest they should excite a spirit of discontent in the country.

The Committee then divided on the question.

For the tax on manufactured snuff and tobacco 55, against the tax 34.

The Committee then rose. The Chairman reported progress; and the House adjourned till Monday next.

MONDAY, May 5.

A memorial of the sugar bakers of the city of Philadelphia, was presented to the House and read, praying that sugar refined within the United States may not be subjected to the excise duty proposed to be laid by the report of the Committee of Ways and Means now depending before the House.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the report of the committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of the public credit, and, if further revenues are necessary, to report the ways and means.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the remission of the duties on eleven hogsheads of coffee, which have been destroyed by fire," to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act directing a detachment from the militia of the United States," with several amendments; to which they desire the concurrence of this House.

Mr. DEXTER, from the committee appointed, presented a bill authorizing the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes; which was read twice and committed.

The House proceeded to consider the report of the committee to whom was referred the petition of Samuel Franklin, William T. Robinson, and Abraham Franklin: Whereupon,

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the PRESIDENT OF THE UNITED STATES be authorized to direct clearances to be granted to any ships or vessels belonging to citizens of the United States, which are now loaded, bound from any port in the United States for any port beyond the Cape of Good Hope, anything in the resolution for laying the embargo to the contrary notwithstanding: *Provided*, That, before the Collector of either of the districts of the United States shall grant clearances, or any such vessel shall sail, the owners thereof shall give sufficient security, to the satisfaction of such Collector, that she shall not unlade her cargo, or any part thereof, at any port or place, previous to her arrival at the Cape of Good Hope.

THE PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, and what, further or other revenues are necessary for the support of Public Credit, and, if further revenues are necessary, to report the ways and means.

Mr. TRACY moved that the number of cents per pound to be laid on tobacco, and snuff shall be left blank.

Mr. W. SMITH saw no reason for leaving out the specification. The duty was not too high. This amendment was in reality undoing all that the Committee had been about.

Mr. TRACY stated his reasons. He understood,

MAY, 1791.]

Public Credit.

[H. OF R

that the duty on tobacco was too high, and that upon snuff too low.

Mr. GILES said, that the price of the raw material was two cents, or two and an half per pound, and that so large a duty would altogether knock up the manufacture. He repeated this opinion, and moved that tobacco should be struck out of the bill, and snuff stand at eight cents. The reason of this distinction was, that the planters could with ease manufacture tobacco, so as to serve their own consumption, but they could not, so easily, make snuff.

Mr. FITZSIMONS apprehended, that it was proper the duty should be reduced; especially on tobacco. He, therefore approved the motion for leaving the duties blank.

Mr. SMITH considered the motion of Mr. TRACY as irregular. It had already been determined that the resolution should stand.

Mr. FITZSIMONS explained to him that the question decided upon Friday was, whether the resolution ought to be struck out entirely? It had been determined that the resolution should remain. But still, as to the *quantum* of duty, the discussion remained open to the Committee.

The motion of Mr. TRACY was agreed to.

The resolution was next read, for a duty of two cents per pound upon all sugar refined within the United States.

Mr. S. SMITH moved that the duty on sugar should also be left blank. Mr. W. SMITH considered this practice of leaving every duty blank, as reversing in substance what the Committee had been doing. The motion passed.

Mr. S. SMITH moved again that the whole sugar clause should be struck out. He was concerned in the manufacture of refined sugar; but he saw no good reason for giving a silent vote merely on that account. The land-tax will, in due time, come to be discussed; and there are very few members in the Committee, who are not landholders. But this will not prevent them from giving their opinions. He should, therefore, proceed to explain his sentiments on the present resolution. On sugar-baking he had for several years been sinking money. It was not till within the last year, that he made any profit by the adventure. The profits on this business were very precarious; and he had felt the full force of this disadvantage. The smallest inattention on the part of the person appointed to superintend the manufacture, was sufficient to render a whole baking totally useless; though it was frequently worth five hundred pounds; and he had twice met with an accident of this nature. He referred to the objection of Mr. DEXTER, where he stated that he (Mr. S.) had advanced as a fact that £5,000 of capital were necessary to prosecute the manufacture of snuff. In that five thousand pounds, he did not, as Mr. DEXTER had supposed, comprehend house rent, or the wages of journeymen, or the purchase of machinery. He meant to say, that five thousand pounds were essential for the purchase and the support of a proper stock of the materials of the manufacture. He would have given this explanation on Friday; but as the Committee had been much fatigued by

the length of the discussion, he did not wish to controvert the position of the gentleman at an unreasonable time of day, when members were impatient for the question. He now declared his meaning, and he did this more particularly, that he might prevent any mistaken notion of a second assertion, which he was likewise going to make. This was, that in order to carry on the sugar-baking manufacture with advantage, there was required an active capital of fifty thousand dollars. This was exclusive of the expense of pots and pans, and the apparatus of instruments wanted for the actual operation.

These would demand sixteen thousand dollars additional. Even the fifty thousand dollars of active capital would not be sufficient, but a man who commanded fifty thousand dollars had likewise the command of an extensive credit in the banks of the United States. He assured the Committee, that in consequence of the two per cent. duty, the sugar-baking would require a double amount of capital, to what it formerly did. This assertion he illustrated by a variety of arithmetical calculations.

Thus, said Mr. S., when a man of property has adventured his capital, in establishing an American manufacture, you come down upon him with an excise. You tell him, in the style of the gentleman from Massachusetts, whom I do not now see in his place—[he referred to a part of the speech of Mr. DEXTER on Friday last] we have protected you for some time past, and we are therefore entitled to treat you in time coming, as we please.

Mr. S. argued, that this was no encouragement to a merchant to hazard his capital. Gentlemen would say, that nails are no luxury; we shall not tax them. He considered this report on excise as the opening wedge. When once taxes on manufactures have begun, where are they to stop? He saw not, in the report, any notice of a drawback on the exportation of sugar manufactured in America. He had already fully explained his idea relative to an excise; and he should not therefore trouble the House any farther. One of the chief reasons for which he had risen at all was, that he had been misunderstood by the member from Massachusetts, as to the amount of capital requisite for the erection of a snuff manufactory. He was satisfied that this duty would end in the ruin of sugar-baking establishments.

Mr. FITZSIMONS.—Since ever he had been in a Legislative body, he had been a friend to the manufacturers of this country. The gentleman who spoke last had not convinced him, that the two cents of duty would make a double capital necessary, or that the duty would demolish the manufacture. He was of opinion that the duty might be so modified, as not to injure the interest of the sugar-bakers. There would be adopted a proper mode of protecting the manufacture by non-importation duties; and it had been designed by the select committee to give a suitable drawback on exportation. He said, that raw sugars were at present but fifteen shillings per hundred weight. He did not reckon sugar a luxury. It was an ar-

H. of R.]

Public Credit.

MAY, 1794.

ticle of universal consumption. He pledged himself to the Committee that unless the excise could be placed on such a footing as not to injure the feelings and interest of the manufacturer, he would vote against it.

Mr. MULLENDERG (the Speaker) observed, that he was also engaged in the business of refining sugar, and therefore could, in some measure, speak from experience. The Committee, in laying these duties, had, as it appeared to him, contemplated a war; if that should take place, this fund would prove fallacious, because, during the war, a sufficient quantity of the raw material could not be brought into the country to support the manufacture. This had been the case in the last war, and whatever reliance gentlemen might have on the importation of sugar during a war, on the supplies furnished by successful privateers, that was insufficient and too uncertain to enable the manufacturers of sugar to proceed with such regularity as their business required. In short, it would, in a great measure, stop the business, and induce the owners to turn their capital, at least for a time, into other channels. He was also of opinion that refined sugar already bore too high a price, owing to the high price of raw sugar, which was much beyond what his colleague [Mr. FIRZSIMONS] stated, fifteen dollars per cwt., and that had already lessened the demand and consumption, which every one now concerned in the business could testify. If, therefore, two cents were added to the present price, it would lessen the consumption still more, and thereby materially injure the manufacture. He further observed, that owing to the probable capture of the French islands, sugars in England must be very low, and as that country paid but 8s. 6d. per cwt. on raw sugar and a drawback of 23s. was allowed on every cwt. of refined sugar exported, that operated as a bounty and enabled merchants to import it considerably cheaper than it could be manufactured here. This had been the case last year in the Southern States, and probably would be so again, unless a much higher duty was laid on imported sugars than the Committee at first contemplated. He then called for the reading of the memorial from the sugar refiners which was this day read in the House.

The memorial was read, and stated, among other particulars, that there were only seventeen sugar-bakeries in the United States. The tax was estimated to produce fifty thousand dollars; and this sum the profits of the business would not discharge.

Mr. FINDLEY said that seventeen houses were too small a number to protect themselves from the arm of the Legislature. He was afraid they would be crushed by their duty. The member went into some farther remarks on the bad consequences of this mode of exacting revenue.

Mr. SEDGWICK.—There has been much repetition in discussing this question. The member from Pennsylvania [Mr. FINDLEY] had said that seventeen sugar houses were too small a number to rouse a general sentiment in their favor. This was no argument at all. Everybody made use of sugar, and every one, therefore, was interested in

having it as cheap as possible. As to the propriety of laying an excise upon manufactures, a large majority of the House have already declared themselves in favor of the principle in general. If there was only one sugar house in the United States, and only one inspection required for collecting the whole fifty thousand dollars expected from the tax, Mr. S. would like it so much the better. The drawback granted in Britain upon the exportation of refined sugar is, in reality, a bounty on the manufacture of the article. We must take care to add a large enough duty on the importation of it into this country, to counteract the effects of the British bounty; and this precaution will be still more necessary, as our American refined sugar will come higher on account of this excise. Much has been said, in the course of this debate, about oppression. What do gentlemen propose to make of this trite word? If they will reiterate their arguments on this question over and over again, what can be said to hinder them? If, in contempt of all experience, gentlemen persist in saying that an excise duty is paid, not by the customer, but by the manufacturer himself; and if, because the Legislature has authority to lay, when they please, any amount per pound on sugar, members argue against all taxes whatever, it is impossible to give them any satisfactory answer. We know that everything may be abused. We know that the Legislature have it in their power to lay a large amount of duty on every pound of sugar; we know, at the same time, that they never will do any such thing.

Mr. S. SMITH explained. He did not mean to say that the tax would be augmented to an unlimited excess upon any single article; but that taxes would be multiplied on all manufactures.

Mr. SMITH said, that things of this sort came on by degrees. Excise was at first light in England, and only on a few manufactures. It was then by degrees augmented, and extended over soap, candles, leather, starch, and an endless multitude of other articles. The cider tax continued as unpopular in England at this day, as it was when first imposed. He had no doubt of such an excise being introduced here; and if the people of England, so long familiar with heavy taxes, bore this excise on cider with such reluctance, the citizens of the United States would still less submit to it, and their discontent might be attended with dangerous consequences. Will not this set of resolutions for an excise, at present before the Committee, lay the foundation for an universal American excise? He deprecated the system in general. He did not lay the fault of its effects upon this or that Government. They were ingrafted in the nature of the thing itself. An excise, in its very outset, is a violation of the rights of freemen, independent of the extent to which it might or might not be carried, and whether it oppressed the manufacturer, or did not oppress him, by making his house liable to be searched at all hours, it violated the natural sanctuary of domestic life. It creates a number of artificial crimes; an additional code of laws must be invented in order to punish them; and this punishment cannot be inflicted without the ruin of American citizens, or neglected, with-

MAY, 1794.]

Public Credit.

[H. of R.]

out the ruin of American excise revenues. What mischiefs have not excise laws produced in England? It has been found necessary to form a new set of laws in which the British subjects have lost the protection of a trial by jury. Here Mr. S. read a passage on this subject from *Blackstone*, which is in these words:

"All trials of offences and frauds, contrary to the laws of the excise, and other branches of the revenues, are to be inquired into, and determined by the Commissioners of the respective departments, or by Justices of the Peace in the country; officers, who are all of them appointed and removable at the discretion of the Crown. And though such convictions are absolutely necessary for the due collection of the public money, and are a species of mercy to the delinquents, who would be ruined by the expense and delay of frequent prosecutions by action or indictment; and though such has usually been the conduct of the Commissioners, as seldom, if ever, to afford just grounds to complain of oppression, yet, when we again consider the various and almost innumerable branches of this revenue, which may be in their turns the subjects of fraud, or at least complaints of fraud, and of course, the objects of this summary and arbitrary jurisdiction; we shall find that the power of these officers of the Crown over the property of the people, is increased to a very formidable height."

Mr. S. said, that he was not fond of troubling the House with long quotations, but the present came exactly to the point. A system of excise was contrary to the spirit of the Constitution of a free country, and in opposition to the Constitution of the United States.

Mr. DAYTON declared, that he could not sit in silence to hear this sort of reasoning. Did the gentleman imagine that the present excise was to be imposed wantonly? Are we not in great necessity for money? There were but three objects of taxation, commerce, manufactures, and agriculture. The first had been pretty well burdened already. The luxuries of the second were now to be taxed; or, in other words, every man was to tax himself. He confided in the wisdom of the House, that this measure would pass. If this resolution were to be struck out, what shall we do next? Let us see another tax, and we shall choose between them. But no gentleman can show any expedient preferable to that before the Committee.

Mr. S. SMITH.—Raise that seven and an half per cent. of duty on wares and merchandise to ten per cent.; that will do. But people who object to a bad tax are not, therefore, obliged to find a better in its place. Any abuse whatever may be defended in this way. A gentleman from Massachusetts [Mr. SEDGWICK] had said, that as there were only seventeen sugar houses in the United States, it was so much the better. So by this rule, it was no matter what degree of hardship was imposed on the manufacturer, provided that a revenue could be got by it. To show the Committee that he was not disposed to give wanton opposition to taxes, Mr. S. informed them, that the excise on spirits had put an end to a distillery which he had formerly set up. The building was now lying waste; and his whole expenses were cast away. But of this he had not complained at the time, and he did not complain now; because he

was convinced that the excise on spirits was, upon the whole, of advantage to this country. For this reason, Mr. S. had submitted without reluctance to the ruin of his distillery, as from local causes, the excise had been ruinous to the distilleries of the Southern States. It was, taken all together, an advantageous measure, and he cheerfully submitted to his loss; but now he found they were to come back again upon him, and destroy his sugar house, which he thought somewhat hard. Mr. S. here adverted to a mistake that he had made in a former part of the debate. He had said, that it required about three pounds of unrefined sugar to make one pound of refined sugar. This was a mistake; the proportion of unrefined sugar was, he believed, less than two pounds; though concerned in the sugar baking, he knew nothing of it as a profession. He never had set his foot twice within his own house since he built it.

[Several members had adverted in the course of preceding speeches to this misstatement by Mr. S. SMITH.]

Mr. GOODHUE did not think that two cents per pound would destroy the sugar business.

Mr. NICHOLAS, having so lately trespassed on the patience of the Committee, had not intended to trouble them again. But the gentlemen who favored the excise system wanted to make it pass through the Committee with an *elal* which it did not deserve. He expressed his aversion to excise in general, because it was, at best, from its essence, inseparably connected with vexation, the multiplication of oaths, of false informations for smuggling, and acquittances at an heavy expense from such accusations. The moment we begin an excise, that moment the mischief begins. The smallest modicum of this sort cannot be raised without oppression. Mr. N. adverted to the idea of making people not only pay taxes, but *feel* them. It was firmly his opinion, that direct taxes were the best, both as being the least expensive in the collection, and as tending more than any others, to keep the attention of the people strictly fixed on the way in which their money shall be expended.

Mr. FINDLEY spoke for a short time. Gentlemen might find a difficulty in answering arguments, and so call them repetitions, and declare them not worthy an answer. But it was impossible to deny, that excise was inconsistent with personal liberty, and the spirit of the American Constitution. Mr. FINDLEY went over several remarks that have already occurred in the course of this discussion.

Mr. W. SMITH observed that the general question of excise had been canvassed a few days ago, and therefore gentlemen employed their ingenuity to very little purpose, in attacking what had been so lately decided upon. If objections were to be made to every tax, and every sum of duty was to be left blank, what was the occasion for appointing a select Committee of Ways and Means? One gentleman insisted upon striking out of this resolution; another on the striking out of that resolution, till in short they would leave nothing at all. This proceeding reminded Mr. S. of a story in the fables of Phœdrus. A man, whose head was

covered with black and grey hairs, had two female friends. One of them, who desired that he should have a youthful appearance, carefully pulled out some of his grey hairs, as often as he paid her a visit. The other lady, who wanted him to look like an old man, was industrious in pulling out the black hairs. Between their joint endeavors, he became bald. Thus, said Mr. S., by the time that every gentleman has done with plucking, we shall have nothing of the report left. It was needless to make reports, if they were to be thus destroyed. All the ways and means that had been yet presented, if we lay the land tax out of them, are little enough to serve for the appropriations already made. It is very easy to make plausible and ingenious objections to every thing. But plausible objections produced no money, which must be had, and had immediately, by some way or other. A gentleman [Mr. S. SMITH] had said, that the seven and an half per cent. of impost should be raised to ten per cent. and that this would be a proper compensation for laying aside the excise system. That was indeed but a sandy foundation to build such an assertion upon. He adduced a variety of other arguments to show the impropriety of this scheme of objecting to every thing. He pressed the Committee, in the most forcible and interesting manner, to consider what they were about, and what was to become of public credit, and national defence, if they refused to vote for the requisite supplies to maintain the one and the other.

On dividing the Committee upon the foregoing motion of Mr. S. SMITH, for striking out the whole resolution, there were for the striking out 25—against the motion 85.

Mr. LYMAN voted for keeping in the resolution, but on this condition, that the sum should be left blank. He made a motion to this purpose.

Mr. SEDGWICK.—If the sum of duty be struck out, it is impossible to determine what is to be the duty imposed on refined sugar imported from England. If the duty on importation be too high, then by driving foreign sugars out of the market, we give the American sugar baker a monopoly against his customers at home. On the other hand, if we lay too little duty on the importation of foreign sugars, the foreign manufacture will undersell that of America.

The motion was withdrawn.

The next resolution in the report was read, and is as follows:

Resolved, That after the — day of — every person selling distilled spirits or wine, for consumption out of their own dwellings; distilled spirits in less quantity than twenty gallons: wines in less quantity than thirty gallons, except in the original cask or package in which they were imported, shall take out licenses to authorize the sale of such distilled spirits and wines, and shall pay, annually, for a license to sell all foreign distilled spirits, five dollars; for a license to sell all wines, five dollars."

The resolution passed the Committee.

Mr. CLARK then informed the Committee, that when they had got through the report, he had a motion in his hand which he intended to lay before the House. He read this motion. The substance of it was, that, over and above all duties im-

posed on the importation of foreign commodities into this country, an addition of ten per cent. of extra duty shall be laid on all articles the growth or manufacture of Great Britain.

The next resolution is in these words:

Resolved, That the sum of seven hundred and fifty thousand dollars be raised by direct tax, for the year one thousand seven hundred and ninety-four, to be apportioned among the States, agreeably to the rule prescribed by the Constitution."

A motion was then made by Mr. LYMAN for striking out this resolution. He observed, that this resolution was supposed to contemplate a land tax, as, in the abstract of the report, it was called direct taxes on land. This being the case, he should be obliged, from not only a regard to his constituents, particularly, but in a general regard to the whole Union, to make a motion to strike out the resolution. He said, that he had a different opinion on this subject from those gentlemen for whom he had the highest respect, and whose opinions had, on many occasions, fully coincided with his own. He should not now take up the time of the Committee in reconciling this seeming inconsistency, otherwise than by observing, that he supposed it must be owing to the variation of the tenure of lands in the different States; that whilst in some States the lands were pretty well distributed, and held in small parcels by those who cultivated them, in other States they were held in larger quantities and cultivated in a different way. A tax on them therefore, which in the one case might be considered unacceptable, would probably be less so in the other. However, speculative opinions in questions of this sort were but a feeble opposition to fact and experiment. To these he would pray the attention of the Committee. In this country, some of the States at least have made the experiment. It had proved oppressive, excited discontents, and even convulsed the Government. The experience of other countries did not furnish much more favorable arguments, if his recollection and information were correct, as he thought they were. In the Republic of Rome they never had a land tax. It had its odious origin under the tyranny of the Emperors. In France, they have no land tax. This, in that country, he was sensible, was complained of, but it must have been because the lands were held by the nobility, to whom it proved an exemption from the burdens of society, and from that cause the exemption was disagreeable to the people; but had the lands been of a different tenure there would have been no such complaint. How stood the case in England, a country where every species of taxation was carried to its utmost stretch? Their land tax was a mere trifle compared with their other impositions; and, trifling as it was, they embraced every occasion, when not pressed by particular exigencies, requiring the utmost exertions, to lessen it, from an apprehension of exciting uneasiness and tumult. Indeed he did not know but it might there be deemed a modified relic of their former slavish tenures. Under these impressions, and the consideration of the expense of collecting a tax of this sort, he hoped it would not now be resorted to. He supposed the Select

MAY, 1794.]

Public Credit.

[H. OF R.]

Committee had made the report under apprehensions of more danger from abroad, than was said now to threaten us. We are now told that affairs abroad wear a more friendly aspect. He hoped it was the case; no one could wish more sincerely than he did, that it would prove so; but if it should not, neither he nor any American would, he trusted, be averse to any species of taxation necessary to our defence and protection, and to give the fullest operation to our whole force. He did not forget, that, in discussing the business of ways and means, it had been said, that all taxation was objectionable, and that a motion for striking out any part of the sum necessary, ought to be accompanied with a succedaneum. He would therefore suggest increasing the impost duties, foreign tonnage, or even the excise duties. The impost on many articles was not nearly so high as it might well be made; the collection could be made with little additional expense, and with great certainty. There need be no new officers. Interest, policy, every motive conspired to abandon this tax on land, and embrace one more easy and convenient. He said, as little as he wished to see the public debt increased, and nobody had a less desire of such an event, yet he would sooner prefer a small loan for the possible deficiencies of the current year.

Mr. SCOTT rose. Mr. CLARK was up at the same time. The latter gentleman, observed, that he had been up some time before, but he was so small, that gentleman could not see him. He did not object to a land tax, considered as such, but he had a temporary objection. Did gentlemen consider in what time of the session they were? The Union consists of fifteen States all different in their laws, and in their local circumstances. The land tax was a matter of infinite difficulty, and would of itself require at least a month to discuss it. He therefore wished that it might lie over.

Mr. HEATH did not take up much of the time of the House in general. But he rose to say, that there were many expedients more palatable than a land tax. Why not lay a tax upon all kinds of shopkeepers? This project had formerly been very popular in Virginia. Why was the selling of wine, &c., taxed at so small a rate as five dollars?

Mr. SCOTT then rose. He said that he was surprised at their calling this resolution a land-tax. He saw no such thing about it. It might be a poll-tax. He was informed, that it was mentioned in the preamble as a land-tax, but he was to look to the resolution itself, where he certainly saw no such thing. A land-tax must be very unequal. One man would pay as much for ten acres, as another for a thousand. He recommended, in preference, a general tax on property; no matter whether by land or water. The resolution spoke of the Constitution. He knew no notice taken in the Constitution of any such matter. He considered it as impracticable, without destroying the Constitution, and how it could be levied was beyond his comprehension. He did not concur with some gentlemen for whom he had a great respect (referring perhaps to Mr. SMITH and Mr. NICHOLAS)

that invisible taxes were dangerous. He could see nothing of that, in order to make people happy, it was necessary to have a goad in their sides. He could not imagine that American liberty must be in danger, unless American citizens are harassed by direct taxes. That the accounts published from the Public Treasury very fully showed the people in what way their money was expended, and the people had sagacity enough to know that whatever money came from the Treasury must be theirs. If they do not like the way in which they see it laid out, they will send to this place other men, who will do their business more to their satisfaction. He again adverted to there being no notice whatever of land in this resolution. [Mr. W. SMITH explained that there had been a mistake or omission of a word in printing the report.] Mr. SCOTT recommended a tax on the funds. All the countenance ever given to funding systems, in all the countries of the world, all the books that ever had been written about them, never could convince him that such a tax was unjust. He was firmly persuaded, that in the exigencies of a nation, all sorts of property should be taxed, because all sorts of property required to be defended. He was quite satisfied that all property should defend itself; that is, should pay for its own defence. He would cheerfully submit his own property to a general tax, were it even to half its value, if such an impost were necessary for the Independence of America.

Mr. NICHOLAS, Mr. CLARK, and Mr. SEDGWICK, spoke a few words.

The Committee rose without a division on the resolution. The Chairman reported progress, and the House adjourned.

TUESDAY, May 6.

The bill sent from the Senate, entitled "An act for the remission of the duties on eleven hogheads of coffee, which have been destroyed by fire," was read twice, and committed.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act directing a detachment from the Militia of the United States;" and the same being read, were agreed to.

Mr. COFFIN, from the committee appointed, presented a bill supplementary to the act, entitled "An act to promote the progress of Useful Arts;" which was read twice, and committed.

A message from the Senate informed the House, that the Senate have agreed to the resolution of this House, "To authorise the PRESIDENT to grant clearances in the case of ships or vessels now loaded, and bound to any port beyond the Cape of Good Hope," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and, the same being read, was disagreed to.

Mr. JEREMIAH WADSWORTH, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendment depending between the two Houses to the bill, entitled "An act to encourage

H. OF R.]

Clearances to certain Vessels—Public Credit.

[MAY, 1794.]

the recruiting service," made a report; and, the same being read, was, on the question put thereupon, disagreed to by the House.

Resolved, That this House doth adhere to their disagreement to the said amendment.

CLEARANCES TO CERTAIN VESSELS.

A message from the Senate informed the House, that the Senate recede from their amendment, disagreed to by this House, to the resolution "To authorize the PRESIDENT to grant clearances in the case of ships or vessels now loaded and bound to any port beyond the Cape of Good Hope."

The message was read to the House, containing an amendment to the bill authorizing the PRESIDENT to grant clearances to any vessels *belonging to citizens of the United States*, and bound to any port beyond the Cape of Good Hope. The amendment consisted in striking out the words in italics; which made the bill extend to all foreign ships.

MR. S. SMITH said he hoped the House would not agree to that amendment.

MR. FITZSIMONS, MR. GOODHUE, MR. CLARK, MR. SMILIE, and MR. BOUDINOT, spoke each a few words.

MR. MADISON was very indifferent as to the whole matter. The amendment made it worse than it was before. He would rather lose the measure than concur.

MR. NICHOLAS thought that the amendment would open a door to all sorts of imposture.

MR. S. SMITH said it was very easy to make amendments; but gentlemen should consider what they were about. American owners would be cautious what they did; but, as to foreign vessels detained in the harbors of the United States, the consequence was easily foreseen. They would be driven by stress of weather into any port in the West Indies. They will next, for half a joe, or a joe, at most, get a certificate declaring the ship unfit for proceeding to sea, and the cargo is then sold.

On a division—for agreeing to the amendment of the Senate yeas 33, nays 40.

PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole House on the report of the Committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit; and, if further revenues are necessary, to report the ways and means.

The motion of MR. LYMAN to strike out the clause relative to the land tax being under consideration—

MR. SEDGWICK, and, after him, MR. NICHOLAS, made various observations on the nature of *direct taxes*, as distinguished from those of a different description. The former gentleman observed, that Massachusetts and Connecticut resembled each other more closely than any other two States in the Union; yet the method of levying taxes differed very materially in the two States. From this, he inferred the difficulty of fixing a general system of land tax.

After having considered the definition of "*direct taxes*," as given by a gentleman from Virginia, [MR. NICHOLAS,] and after commenting on the opinion of certain political economists, who held that all taxes ultimately fell upon land, and, therefore, that those which were imposed on it were direct, and all those imposed on any other subject indirect, MR. S. proceeded to state his own opinion.

He said that, in forming a Constitution for a National Government, to which was intrusted the preservation of that Government and the existence of the society itself, it was reasonable to suppose that every means necessary to those important ends should be granted. This was, in fact, the case in the Constitution of the United States. To Congress it was expressly granted to impose taxes, duties, imposts, and excises. It had been universally concluded, and never, to his knowledge, denied, but that the Legislature, by those comprehensive words, had authority to impose taxes on every subject of revenue. If this position be just, a construction which limited their operation of this power (in its nature and by the Constitution illimitable) could not be the just construction.

He observed, that, to obviate certain mischiefs, the Constitution had provided that capitation and other direct taxes should be apportioned according to the ratio prescribed in it. If, then, the Legislature be authorized to impose a tax on every subject of revenue, (and surely pleasure carriages, as objects of luxury, and, in general, owned by those to whom contributions would not be inconvenient, were fair and proper subjects of taxation,) and a tax on them could not be apportioned by the Constitutional ratio, it would follow irresistibly that such a tax, in this sense of the Constitution, is not "*direct*." On this idea he enlarged his reasoning, and showed that such a tax was incapable of apportionment.

He said that, so far as he had been able to form an opinion, there had been a general concurrence in a belief that the ultimate sources of public contributions were labor and the subjects and effects of labor. That taxes being permanent, had a tendency to equalise and to diffuse themselves through a community. According to these opinions, a capitation tax and taxes on land and on property and income generally, were direct charges, as well in the immediate as ultimate sources of contribution. He had considered those, and those only, as direct taxes in their operation and effects. On the other hand, a tax imposed on a specific article of personal property, and particularly if objects of luxury, as in the case under consideration, he had never supposed had been considered a direct tax, within the meaning of the Constitution. The exaction was indeed directly of the owner, but, by the equalizing operation, of which all taxes more or less partook, it created an indirect charge on others besides the owners.

He said it would astonish the people of America to be informed that they had made a Constitution by which pleasure carriages and other objects of luxury were excepted from contributing

MAY, 1794.] •

Public Credit.

[H. of R.]

to the public exigencies, which was undoubtedly the case if the reasoning of gentlemen who opposed the resolution was well founded. If the imposition of a duty on pleasure carriages was a direct tax, it must then be apportioned; but as several of the States had few or no carriages, no such apportionment could be made, and the duty of course could not be imposed. Such a construction was inadmissible, because it would exempt, in times of the greatest distress, the fairest objects of contribution from the imposition of any burden. If there was doubt, we certainly ought not to incline to that side, which at the same time it might compel the Legislature to impose grievous burdens on the poorest and most laborious part of the community, shall exempt the affluent from contributing for their objects of distinguishing enjoyments. This seemed not to carry into effect that doctrine of equality of which gentlemen said so much.

Mr. CLARK complained that members spent their time upon definitions, when business demanded an immediate decision. He objected to a proposal from Mr. SEDGWICK that the land tax should be agreed to, but should not take place until there was a prospect of war. He hinted want of time to discuss the question, and would have it laid aside for the present.

Mr. HILLHOUSE observed, that, laying a direct tax would doubtless be attended with many difficulties, but was not, in his opinion, altogether impracticable. It being, however, one of the most oppressive and unequal taxes, ought not to be resorted to but in the last extremity; that great caution ought to be observed in the first commencement of the business; and the system that may be finally adopted ought to have the most mature and deliberate consideration which the present stage of the session would admit of. As it was proposed that the tax should not take effect but upon the contingency of a war, it was unnecessary to lay it at this time, as Congress must convene before war could be declared; and the members of the House would be able, from the course of events during the recess, to judge of the probability of a war, and, if appearances should be threatening, would doubtless revolve the subjects in their minds, and gain all the information in their power, and come together much better prepared to digest a system than they can be at this time. The people, he believed, were fully sensible that, in case of a war, almost all the resources from which the present revenue is drawn would be cut off, and that there could be no other resort but to direct taxes. If the present was contemplated as a war tax, the sum of \$750,000 would be wholly inadequate, and the cost of collecting that sum would be nearly the same as to collect \$3,000,000; if we had no war, he was of opinion there were other sources of revenue sufficient to supply the present exigency, and that we ought not to resort to a direct tax. He hoped, therefore, the resolution would be stricken out.

Mr. DEXTER concurred with the two gentlemen who spoke last as to striking out the clause. He thought it an unnecessary incumbrance upon the

other taxes agreed to, if it was intended to be postponed in its operation. He said a land tax was a tax on the laborious poor. If every acre is to pay the same tax, it must prove very unequal, as poor men generally live on the poorest lands, and must pay oppressive taxes. If the lands are to be valued, the delay and expense must be enormous. Lands increase in value very unequally in different places, and the proportion will be forever altering. He had been told that two thousand persons had once been concerned in apportioning and collecting the land tax of Pennsylvania. He said a question had arisen as to the meaning of the words "direct taxes" in the Constitution. Before a determination be had for or against them, it ought to be known what is the true meaning of this phrase. He said his colleague [Mr. SEDGWICK] had stated the meaning of direct taxes to be a capitation tax, or a general tax on all the taxable property of the citizens; and that a gentleman from Virginia [Mr. NICHOLAS] thought the meaning was, that all taxes are direct which are paid by the citizen without being recompensed by the consumer; but that, where the tax was only advanced and repaid by the consumer, the tax was indirect. He thought that both opinions were just, and not inconsistent, though the gentlemen had differed about them. He thought that a general tax on all taxable property was a direct tax, because it was paid without being recompensed by the consumer. Suppose one mechanic art to be heavily taxed, and others not taxed at all. This, at first, will be oppressive; but the art being necessary in society, other arts must contribute to support it under the increased burden. The tax will, like any other expense necessarily incurred in the manufacture, be added to the price of the article; and this contribution to reimburse the manufacturer who advances it will make it an indirect tax, according to the idea of the gentleman from Virginia. If, on the other hand, all mechanic arts and all natural subjects of taxation are taxed by the Legislature in due proportion, this is a direct tax; because no such invisible contribution is necessary, as each has originally borne its proportionate burden. Mr. D. thought, that, if any mode of taxation be permanent, it will soon be equal. The most unequal imposition will, like a fluid, soon diffuse itself equally through all the proper and natural subjects of taxation. Mr. D. thought, also, that direct taxation ought not to be pursued by the General Government, except in time of war, because it is the only source of revenue for the support of State Governments and payment of State debts.

Mr. S. SMITH did not think that the sums in the report would be pressingly wanted, for, in the first place, he had no fear now of a war, and, in the second place, the revenues of 1794 would exceed those of 1792, from which the estimate of the Committee of Ways and Means had been taken. There would be a greater importation in the next Fall than in the last; because England was overstocked with commodities for export, and would be very glad to trust America. He said that English manufactures had been sold to

H. OF R.]

Public Credit.

[MAY, 1794.]

America forty per cent. cheaper during this Spring than in last Fall. Twenty-five per cent. discount had been given for ready money, and fifteen per cent. for a good bill on London at six months. These facts he knew. He rejoiced to think that the product of the excise now before the House would go to the destruction of the National Debt. He wished for a committee to report what had been done already in the matter of ways and means. He said that England would be glad to give credit to America, as she was at war with France, and her commerce had thence become so uncertain.

Mr. FITZSIMONS said that, if the revenue of 1794 were equal to that of 1792, it would alter his ideas of the land tax.

Mr. MURRAY thought it best to strike out the resolution. The resolution did not specifically hold out the idea of a land tax; but it was well understood that a land tax was its object. Any gentleman might hereafter bring forward this object, which was both novel and complicated. It was of importance enough to deserve a separate bill, and a distinct discussion. His general impression was at present against a land tax, and his difficulties arose from, perhaps, the crudeness of the plans which he had yet heard. Certain it was, that, when we reflected on the various values of land, in different parts of the Union, the perpetual fluctuation arising from progressive improvement in this great object of industry, and clashing of landed interests from these considerations, we shall find that there will be great difficulty in organizing this tax. By voting to strike out the resolution at present, we do not ultimately abandon a view of this object—the taxes already agreed to may be immediately formed into shape by a bill—we shall accelerate the public business, and not necessarily give up this tax. At present, he was against the tax on land, but would not say how he should be, if a system could be suggested that would remove the difficulties he at present foresaw.

Mr. W. SMITH differed from Mr. S. SMITH. There would be a deficiency of at least two hundred thousand dollars. Revenue would diminish for imports. It would diminish for exports. The expenses of individuals also would diminish. It had been recommended that we should not go into the land tax at present, on account of the difficulty of ascertaining it. He thought this a proper reason for going into it, that gentlemen might have an opening view of the subject, and be preparing their minds for its final discussion at some future period.

On dividing the Committee, on the motion for striking out this clause for a land tax, seventy gentlemen rose. The nays were not counted. So the motion was carried.

Mr. GILES moved to strike out the following resolution in the report of the Committee of Ways and Means:

“Resolved, That, after the — day of —, every person keeping a carriage for the conveying of persons for their own use, shall notify the same at some office, which may be designated for the purpose, and shall pay

annually, for a coach, ten dollars; for a chariot, eight; for any other four-wheeled carriage, six; for a chaise or other two-wheeled carriage, two. With an addition of one-fourth, where two carriages shall be kept by one person; of one-third, where three carriages shall be kept by one person; and of one-half, where more than three carriages are kept by the same person.”

On dividing the Committee, there were for the motion 33, against it 44.

Mr. W. SMITH next moved that the last paragraph of this resolution, charging an additional duty where two carriages are kept, should be struck out.

Mr. NICHOLAS, Mr. LYMAN, and Mr. SMILIE, were for letting the clause stand.

Mr. S. SMITH was for striking out the clause. He disliked the tax. In some States, there were no carriages at all. It had been noticed, on a former day, that there were none in Vermont or Kentucky. The members of these States were, therefore, voting for a tax on their sister States which they were not to pay a share of themselves. This was one objection to the matter. Besides, this was a tax on population. A young man (said Mr. S.) gets a wife and a carriage to drive her to church in. You tax him. In due time, he has a number of children, and must have a second carriage for giving them an airing. You tax him. Thus, sir, you tax a person for doing you the greatest service that can be done you—for peopling your country.

Mr. ARES said it had been proved by the information from some gentleman that, in the Southern States, a carriage was not always a mark of wealth, but that it was a necessary article. He was for striking out the clause.

Mr. W. SMITH ridiculed the paragraph altogether, in very pointed terms. If we are to tax a second carriage, we may as well tax a second glass of whiskey, a second bottle of Madeira, a second hundred acres of land that any man possessed, a second looking-glass in his house, a second pinch of snuff, or a second quid of tobacco.

His motion for striking out the clause was carried—ayes 40, noes 33.

Mr. MACON laid on the table a resolution for an excise upon porter, beer, and cider. He had no long arguments to advance on this head. He should state, as it arose in his mind, a clear principle of justice that dictated this resolution. In the Southern States, cider, during a great part of the year, would not keep. It was therefore distilled into brandy, and paid a duty. But it was not equitable that some parts of the Union should have cider and malt liquors, all round the year, duty free, while others paid a duty for almost all the liquor which they made use of. He would likewise move to repeal the tax on brandy made from cider, that, when the cider itself had paid a duty, it might not be overloaded by a second excise. His idea was very plain. If it could be accomplished without much opposition, he was satisfied. If otherwise, he should, on this, as on all former occasions, submit, with respectful silence, to the sentiments of the majority.

The Committee rose, and the House adjourned.

MAY, 1794.]

Public Credit.

[H. OF R.]

WEDNESDAY, May 7.

The bill sent from the Senate, entitled "An act for the remission of the duties on eleven hogs-heads of coffee, which had been destroyed by fire," was read the third time and passed.

The House, according to the order of the day, resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina;" and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. PARKER reported that the Committee had had the said bill under consideration, and made several amendment thereto; which he delivered in at the Clerk's table, where the same were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States,' with an amendment; to which they desire the concurrence of this House.

THE PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of the public credit; and, if further revenues are necessary, to report the ways and means.

The Committee then took into consideration the resolutions of Mr. MACON.

The first of which was that a duty of — be laid upon every gallon of malt beer and porter made in the United States.

It was negatived by a majority of 44 against 28.

Mr. CLARK said, that if this resolution had passed, he would have laid some new ones on the table, for the taxing of negroes and twenty other things.

The second resolution was, that a duty of — be laid upon every gallon of beer or porter imported into the United States.

Mr. SEDGWICK said that there was already a duty upon it amounting to a prohibition; and little or none, unless when smuggled, came into the country.

Mr. S. SMITH was persuaded that the gentleman was mistaken. Vast quantities of London porter were sold in America.

Mr. MACON said that, as the first resolution for excising malt liquors was rejected, he considered the second as falling of course.

The third resolution was for laying a duty of — per gallon upon all cider manufactured in the United States, and the fourth, which was connected with and dependent upon it, was, for withdrawing, if the third resolution passed, all excise duties now paid on distilling cider into brandy.

Mr. MADISON was against all proposals of this kind.

Mr. NICHOLAS approved of the resolution. To obviate the charge of inconsistency, he thought it better to bring a general excise on the people at once, and try whether they would submit to it, or not, than to endeavor to bring it on them by imperceptible degrees.

Mr. KITTEA. The present tax was evidently impracticable. We had been told [by Mr. NICHOLAS] that Massachusetts made rum for all the rest of the States. Another State manufactures peach brandy; so the one may serve as a balance against the other. A gentleman from Pennsylvania [Mr. SMILIE] had repeatedly told the House, that the tax on spirits was unpopular. It was not so in that part of the country (the district of Lancaster) which he had the honor of representing; nor did he believe that it was unpopular in general. The excise on cider never can be carried into execution. We have been told that every family in Virginia make their own. It is vain to hope that any man will be brought to levy the excise upon himself; in what way then are we to collect this tax, in case it were possible that the resolution should pass the House? We must import collectors, and we shall need almost as many as we have of landholders; as there is commonly a distillery in every apple orchard of Virginia. Viewing the whole resolution as one that must end in nothing, he wished to get rid of it as quickly as possible.

Mr. SMILIE declared that the tax was unpopular in the country.

Mr. FINDLEY entered into the general consequences of an excise, which were, he was convinced, of a most destructive nature.

Mr. KITTEA replied, that this excise was not unpopular in the Lancaster district, a fact of which he must be permitted to say, that he had the best opportunities of judging. He believed that the excise was chiefly disliked on the Western frontier of the country, where the people were many of them emigrants, and who never had been accustomed before to a tax of this sort; but it was far from being disapproved in other parts of the State.

Mr. CLARK asked what the motion before the Committee was?

It was read by the Chairman, and proposed that a duty of — per gallon be laid on the cider manufactured in the United States.

Mr. CLARK then observed, that it was impossible to have conjectured, from the speeches of gentlemen, of what the motion before the Committee consisted. One [Mr. NICHOLAS] argues against all excise as oppressive; and that, the only way to make it universal was to bring it on by degrees. On this account, he votes for an excise upon cider. This is his logic. The gentleman behind me, said Mr. C., (referring to Mr. FINDLEY) is another enemy to excise; and he would also vote for this cider duty; only that he says his conscience won't let him. Mr. C. closed his speech by declaring that such sort of arguments were entirely beyond his comprehension.

Mr. SEDGWICK. After what has appeared this day, no man ought to be astonished at any political inconsistencies. Gentlemen in this very Com-

mittee, but a few days since, had voted against a tax on loaf sugar, to be collected from the proprietors of seventeen sugar-houses, and this because it would be oppressive to those on whom it was immediately to operate; and yet, those very gentlemen who had then felt and expressed such strong sensibility, were now rising for the extension of the same species of oppression to almost every citizen of the United States. What, he asked, was the pretence for this apparent inconsistency? This very extraordinary reason was given for it. It would equalize the burden of excise in the different States. How is the fact? Massachusetts will perhaps contribute as much in excise on cider, as any State, certainly incomparably more than any to the South of this. What was her present proportion of contribution to the duties of excise? It was nearly two-fifths of the whole contribution of all the States. It was considerably more than double what was paid by the State of Virginia, although the population of that State was almost double to that of Massachusetts.

Mr. S. SMITH would have thought that this debate would have been proper enough had we been on the question of the repeal of excise laws. But as we are upon laying a tax on cider, he certainly thought this conversation should have been restricted more closely to that subject.

Mr. AMES observed, that there was not a single distillery of the kind referred to in Massachusetts, till after the excise law had been passed. They are at present numerous. It is strange that a manufacture should thrive so extremely under oppression, and that the more it was oppressed, the more it flourished. This statement, as to the distilleries of Massachusetts, demonstrated that the whole arguments about the bad effects of an excise were a mere delusion. The manufacturer is richer than he was before the excise was laid. Numerous objections had been advanced against it, from its ruinous consequences in another country, arising out of the privileges of excisemen, and their right of entering the dwelling houses of all people, at the most unseasonable hours. Every precaution had been adopted by the American Legislature, that they could devise, to prevent inconvenience to the citizens of the United States; and it was not fair to argue from the abuses in another country, which did not exist in our own.

The question was called for, and the resolution for an excise upon cider was rejected by a great majority.

A resolution was then laid on the table, for a duty of — per ounce on all articles of silver, — per cent., — ad valorem, on articles of plated ware manufactured in the United States. The question on this resolution was taken immediately and lost.

On a motion by Mr. SEDGWICK, the Committee then rose, and the Chairman reported progress.

After the report had been read by the Clerk, it was moved that the House consider the report of the Committee, and agreed to.

On the resolution being put, as to a duty of three

cents per bushel upon salt, the House divided, and it was declared to be negatived by a majority of one vote. Several members insisted that there was a mistake in the numbering of the members, as one gentleman had come into the House after the SPEAKER had counted the votes in that part of the House where he sat. Several members, who had been in the majority, requested that the question might be taken over again, to avoid any thing like an advantage. At last, after a long conversation, it was agreed to take the vote of the House over again, when there appeared for the resolution of three cents per bushel on salt 41, against it 46.

The resolution for taxing carriages was then read. It was moved to strike out the tax.

Mr. S. SMITH opposed the tax. If it was to exist at all, it should be a tax on the making of carriages, but this he did not approve either.

Mr. MURRAY said, that he was sorry to differ in opinion from his colleague; but he thought the tax on pleasure carriages a good one, in our present necessities. His colleague thought it would have been more analogous to the other articles brought forward by the Committee, if the tax were designed to operate on carriages to be made in future; but he would remark, that the tax long since passed on all stills in the United States operated as this was intended to do. He confessed that the terms in the Constitution, direct and indirect taxes, had never conveyed very distinct or definite ideas to his mind; yet it appeared, as if we were now called on to act under a clear perception of both modes. It was absolutely necessary to get a very clear understanding of these terms. After all he had heard he still saw much confusion in the definitions. The idea which the Convention entertained in requiring the use of the term *direct* tax to be apportioned agreeably to representation, must have been definite. They must have annexed to these terms a mode of operation, sensible, just, and equal. The only species of direct tax, agreeably to the rule in the Constitution, must be a tax on all taxable property in the Union. When a deficiency of revenue occurred, and a direct tax was thought of by Congress, he presumed the sum being ascertained, an apportionment would be made agreeably to the Constitutional rule, and each State, or the property of each State, taxed up to its apportionment. As to a complete modification of this principle, he confessed he had not yet heard one suggested, and there would be a difficulty, he believed, in the attempt, that would long keep off direct taxation; at least, until public exigencies rose to a higher degree of necessity than at present existed. The motion to strike out this tax on coaches, is supported by the position that it is a direct tax; and being so, must, if it be carried, be modified agreeably to the rule in the Constitution. Either this position must be unfounded, or the Constitution must be construed to mean a mode of taxation unjust, unequal, and in its operation absurd. If this be a direct tax, you must apportion it. Connecticut would have nearly as much tax on her as the State of Maryland, since she has but one less in representation. He was informed that in

MAY, 1794.]

Public Credit.

[H. OF R.]

the whole State of Connecticut there were but two coaches; thus, then, the owner or owners of these two coaches would pay as large a sum as all the owners of coaches in Maryland would pay. The extreme inequality would show the injustice of such a tax, and of course the Constitution could not be construed to carry such a meaning; but he could not exactly see the difference between this principle of a tax on a coach and that of a tax on a still, as far as a difference of the principles of taxation was drawn from the Constitution. The still and the coach are things of use; the argument that the tax on stills was an indirect one, would equally prove the tax on coaches such. It was a matter of choice with the holder of both, to own them and to use them so as to draw back the tax, by making the use pay the tax in both cases. The spirit, if not consumed by the distiller, is paid by the consumer; and the coach, if hired, levies the tax on those who hire it. Where the division of labor and ingenuity is made, it is true that distilling is a distinct profession; but in many parts of the country the farmer, who has an orchard, distills his own fruit, and if a man of extensive hospitality consumes the whole of what he makes, his still and his coach are in the same situation as far as either is an object of Constitutional taxation. The extreme hardship and injustice that would attend the construction of the Constitution contended for, was convincing with him, that this tax could not be considered as a direct one. He believed the minds of gentlemen, who undertook to construe those indefinite terms, direct and indirect taxes as referrible to coaches and stills, were confused by the substantial difference that there appeared to be in the mode in which each was an instrument of ability; but the difference in the mode in which each was instrumental to profit or convenience, created no distinction as to the class of taxes under which each or either of them was to be referred by the Constitution. Besides, coaches and all those splendid vehicles, were evidences of a certain degree of property, as the gentleman from Massachusetts, [Mr. AMES,] had justly remarked; and, in a moment like this, when we are hunting through all the recesses of revenue which, at any time we had been accustomed to think of, it would be impolitic to tax the humble line of enjoyment and leave the more elevated one free.

Mr. S. SMITH said, that there was a difference, and a very great one, between a tax on stills and one on coaches. He himself had stills; but he had made no use of them for some years, and of consequence, they cost him nothing. But he must pay for his coach, whether it stood in the yard all the year round or not.

After a long debate on the nature of these taxes, the Committee rose, and reported the following resolutions to the House:

"1st. *Resolved*, That, from and after the — day of — next, there be levied, collected, and paid, upon the following articles imported into the United States, in ships or vessels of the United States, with an addition of one-tenth per cent. on like articles imported in any other ships or vessels, the several duties hereinafter

mentioned, over and above the duties now paid, to be levied, collected, and paid, in the same manner, by the same officers, subject to the same penalties, and entitled to drawbacks, as the same articles are now subject and entitled to, viz.:

On boots, per pair, 25 cents.

On shoes and slippers for men and women, and on clogs and goloshoes, per pair, 5 cents.

On shoes and slippers for children, per pair, 3 cents.

On millinery ready made, artificial flowers, feathers, and other ornaments for women's head dresses, and on dolls dressed and undressed, 5 per cent. ad valorem.

On cast, slit, and rolled iron, and, generally, on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, anvils, and vices, excepted,) 5 per cent. ad valorem.

On carpets and carpeting, 5 per cent. ad valorem.

On leather tanned or tawed, and generally, all manufactures of leather, or of which leather is the article of chief value, not particularly otherwise enumerated, 5 per cent. ad valorem.

On medicinal drugs, except those commonly used in dyeing; on mats and floor-cloths; on hats, caps, and bonnets, of every sort for women; on gloves, mittens, stockings, fans, buttons of every kind, buckles (shoe and knee,) 5 per cent. ad valorem.

On sheathing and cartridge paper, 5 per cent. ad valorem.

On all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions commonly called sweet scents or odours, perfumes or cosmetics, and on all dentifrices, powders, or preparations for the teeth or gums, 5 per cent. ad valorem.

On gold, silver, or plated wares, gold and silver lace, jewelry, and paste work, clocks and watches, and the parts of either, 5 per cent. ad valorem.

On groceries, to wit: cinnamon, cloves, mace, nutmegs, ginger, aniseed, currants, dates, prunes, raisins, sugar candy, oranges, lemons, limes, and, generally, all fruits and comfits, olives, capers, pickles of every sort, oil, and mustard in flour, 5 per cent. ad valorem.

On all marble, slate, or other stone; on bricks, tiles, tables, mortars, and other stone, and, generally, all stone and earthenware, 5 per cent. ad valorem.

On cabinet wares, and all manufactures of wood, or of which wood is the material of chief value, 5 per cent. ad valorem.

On carriages, and parts of carriages, $4\frac{1}{2}$ per cent.

On all manufactures of cotton or linen, or of muslin; of cotton and linen, or of which cotton or linen is the material of chief value, being printed, stained, or colored, 2½ per cent.

On all goods, wares, and merchandise, which now pay a duty of 7½ per cent. an addition of ¼ per cent.

On coffee, per pound, 1 cent.

On cocoa, per pound, 2 cents.

On cheese, per pound, 3 cents.

On the tonnage of ships or vessels of the United States, employed in foreign trade, 6 cents per ton.

On all foreign ships or vessels, 25 cents per ton.

"2d. *Resolved*, That after the — day of — every person keeping a carriage, for the conveying of persons for their own use, shall notify the same at some office, which may be designated for the purpose, and shall pay, annually:

For a coach, \$10.

For a chariot, \$8.

For any other four wheeled carriage, \$6.
For a chaise, or other two wheeled carriage, \$2.

"3d. *Resolved*, That after the — day of — there be paid the following stamp duties:

Letters patent, issued under the authority of the United States, \$2.

Exemplification thereof, \$1.

Licenses, or certificates of admission of solicitors, attorneys, advocates, and proctors, in the Courts of the United States, \$5.

Exemplification under the seals of the Courts, 50 cents.

Affidavits and affirmations, except those before the officers of the public revenue, those relative to suits pending in Courts, to be used therein, and those relative to criminal proceedings, 10 cents

Deeds, except those otherwise particularly rated, 25 cents.

Charter parties, \$1.

Bottomry and respondentia bonds, \$1.

Apprentices' indentures, 15 cents.

Certificates of debentures for drawbacks, 20 cents.

Bills of lading, coastwise, except for vessels going from one district to another, within the same State, 10 cents.

Ditto, foreign, 20 cents.

Inventories of the effects of deceased persons, or for other purpose prescribed by law, except in cases of goods distrained, or in compliance of any agreement between two or more persons, 10 cents.

Bonds for the security of money, when the sum is above fifty, and not exceeding one hundred dollars, 20 cents.

Above 100, and not exceeding 500, 25 cents.

Above 500, and not exceeding 1,000, 30 cents.

Above 1,000, 40 cents.

Receipts for legacies, or shares of personal estate, in cases of intestates, where the sum is above 50, and not exceeding \$100, 25 cents.

More than 100, and not exceeding 500, 50 cents.

For every further sum above \$500, \$1.

Not to extend to wives, children, or grandchildren.

Notarial acts, 25 cents.

On every transfer of the stock of the United States, at the rate of 5 cents for every \$100.

On every transfer of bank stock, as well of the United States, as those established under the authority of the individual States, at the rate of 5 cents for every \$100.

Letters of attorney, 25 cents.

Policies of insurance—

From one district to another, in the United States, 20 cents.

To and from the United States to any foreign country, for any sum exceeding \$500, 25 cents.

For every further sum, more than 500, 25 cents.

For every sum of 2,000, or upwards, \$1.

Probates of wills, and letters of administration, 50 cents.

"4th. *Resolved*, That, after the — day of — there shall be paid, on all sales at auction, (except in the cases of property sold upon execution, or by virtue of distress for rent or tax, or in consequence of bankruptcies, and legal insolvencies, or where there have been general assignments for the benefit of creditors, or in cases where ships and goods have been stranded or wrecked, or in cases of sales by executors or administrators, or of produce sold upon the land where it is produced) at the rate of one per cent.

"5th. *Resolved*, That, after the — day of — there shall be paid, upon all tobacco manufactured in the United States, — cents per pound. On all snuff, — cents per pound.

"That every manufacturer of tobacco or snuff, shall, on or before the — day of — make entry, with the officer of inspection of the district in which he resides, of the house or building, in which the manufacture is carried on; and shall enter into bond, with sufficient surety, to render a faithful account, every three months, of the quantity of tobacco or snuff sold or sent out, within that period.

"That, previous to taking in any tobacco, for the purpose of being manufactured, he shall notify the same to the office of inspection, and shall keep a book, in which shall be entered daily, the quantity of tobacco or snuff, sold or sent out in each day.

"6th. *Resolved*, That there be laid an additional duty of — cents per pound upon all tobacco, — cents per pound on all snuff, and — cents per pound on all refined sugar, imported into the United States, after the — day of —.

"7th. *Resolved*, That, after the — day of — there be paid, on all sugars refined within the United States, two cents per pound.

"8th. *Resolved*, That, after the — day of — every person, selling distilled spirits or wines, for consumption, out of their own dwellings; distilled spirits, in less quantity than twenty gallons; wines, in less quantity than thirty gallons, except in the original cask or package, in which they were imported, shall take out licenses to authorize the sale of such distilled spirits and wines, and shall pay, annually:

For a license to sell all foreign distilled spirits, \$5.

For a license to sell all wines, \$5."

In the House a motion was made to amend the report of the Committee, by striking out the second resolution, in the words following, to wit:

"*Resolved*, That, after the — day of — every person keeping a carriage, for the conveying of persons for their own use, shall notify the same at some office, which may be designated for the purpose, and shall pay, annually:

"For a coach, \$10.

"For a chariot \$8.

"For any other four wheeled carriage, \$6.

"For a chaise, or other two wheeled carriage, \$2."

And on the question thereupon, it passed in the negative—yeas 34, nays 54, as follows:

YEAS.—Messrs. Theodorus Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, William B. Giles, Alexander Gillon, Andrew Gregg, Carter B. Harrison, John Heath, Daniel Heister, William Hindman, Nathaniel Macon, James Madison, Joseph McDowell, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Andrew Pickens, Francis Preston, John Smilie, Israel Smith, Samuel Smith, Thomas Tredwell, Abraham Venable, and Francis Walker.

NAVS.—Messrs. Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Christopher Greenup,

MAY, 1794.]

Embargo—Public Credit.

[H. OF R.]

William Barry Grove, James Hillhouse, John Hunter, William Irvine, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Francis Malbone, Alexander Mebane, William Montgomery, William Vans Murray, Nathaniel Niles, Thomas Scott, Theodore Sedgwick, John S. Sherbourne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Peleg Wadsworth, John Watts, Benjamin Williams, Richard Winn, and Joseph Winston.

An adjournment was then called for, and carried.

THURSDAY, May 8.

The bill sent from the Senate, entitled "An act to erect a light-house on the headland of Cape Hatteras, and a lighted bacon on Ocracock Island, in the State of North Carolina," with the amendments agreed to yesterday, was read the third time and passed.

Mr. S. SMITH presented a memorial from certain citizens of Baltimore. They recited the hardships which they had suffered from the British ships of war in the West Indies. They declared that the amended instructions from the Court of London, of the 8th of January, had been found by experience injurious and delusive. They trusted that Congress would secure the indemnification of their losses. They recommended a prolongation of the Embargo. Ordered to lie.

The House proceeded to consider the amendment proposed by the Senate to the bill entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States;'" and, the same being read, was agreed to.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," to which they desire the concurrence of this House.

THE EMBARGO.

The resolution proposed by Mr. SWIFT, for declaring the Embargo to be at an end upon the — day of —, was then read. It was next moved to take it up for a second reading.

Mr. GILES said that if there had been any reason for putting on the Embargo, he could see none that had since occurred for its being taken off. He recommended that the resolution might lie for a few days, till we should gain some further information.

Mr. SEDGWICK stated the great inconvenience to which the United States had been put, in consequence of this measure, and the propriety of an early discussion of the subject.

Mr. S. SMITH was for a continuation of the Embargo. Excepting at Antigua, the ships of this country are seized as fast as ever; they were condemning at Jamaica on the 1st of April. Sixty American vessels were making their escape from Port au Prince, and were seized all together by the British. Jervis continues in the same style of conduct as the others did. It is better to keep our

vessels at home than to let them go abroad and be taken. The ravages of the British had not been relaxed; and the Embargo should be kept on till the ships could navigate with safety; other nations have armaments at sea to protect them, but we have none; so the only resource is to keep our ships at home.

Mr. W. SMITH said that it would be improper to take off the Embargo, as to vessels for the West Indies. But, in regard to others, he thought that they might be suffered to go.

Mr. GILES said that, from what he had heard, (referring, perhaps, to what had fallen from Mr. S. SMITH,) he was more than ever convinced of the impropriety of discontinuing the Embargo. We had sent an agent to the West Indies. It would be wrong to take off the Embargo till we had at least some intelligence from him.

Mr. FITZSIMONS recommended a delay of a few days, till we should hear from some quarter further on the matter.

Mr. LYMAN was sorry that the resolution had been laid on the table. It would lead to an idea that the Embargo was to be taken off, and of this he had no conception.

Mr. HEISTER was of opinion that the Embargo subject should be taken up at a very early day. He saw no reason why it should be delayed at all. The question should be decided in sufficient time to let intelligence be conveyed to the extremities of the Union, by the common way, without the expense of sending express. It required thirteen days to send notice to Georgia; and if people did not receive positive notice that it was to continue, they would consider it as laid aside.

Mr. HILLHOUSE, Mr. BOURNE, and Mr. KITTERA, spoke each a few words. Mr. TRACY ended the conversation, by observing that the whole day would be spent in talking whether or not this subject should be taken up. This was mere trifling; put it to a vote at once.

The question was put, and the resolution was deferred.

PUBLIC CREDIT.

The House resumed the consideration of the resolutions reported yesterday from the Committee of the Whole House, to whom was referred the report of the Committee of Ways and Means: Whereupon, a motion being made and seconded to amend the report of the committee, by striking out the third resolution, in the words following, to wit:

Resolved, That after the — day of —, there be paid the following stamp duties:

Letters patent, issued under the authority of the United States, \$2.

Exemplification thereof, \$1.

Licenses, or certificates of admission, of solicitors, attorneys, advocates, and proctors, in the Courts of the United States, \$5.

Exemplification, under the seals of the Courts, 50 cents.

Affidavits and affirmations, except those before the officers of the public revenue, those relative to suits pending in Courts, to be used therein, and those relative to criminal proceedings, 10 cents.

Deeds, except those otherwise particularly rated, 25 cents.

Charter parties, \$1.

Bottomry and respondentia bonds, \$1.

Apprentices' indentures, 15 cents.

Certificates of debentures for drawbacks, 20 cents.

Bills of lading, coastwise, except for vessels going from one district to another, within the same State, 10 cents.

Ditto, foreign, 20 cents.

Inventories of the effects of deceased persons, or for any other purpose prescribed by law, except in cases of goods distrained, or in compliance of any agreement between two or more persons, 10 cents.

Bonds for the security of money, when the sum is above \$50, and not exceeding \$100, 20 cents.

Above \$100, and not exceeding \$300, 25 cents.

Above \$300, and not exceeding \$1,000, 30 cents.

Above \$1,000, 40 cents.

Receipts for legacies, or shares of personal estate, in cases of intestates, where the sum is above \$50, and not exceeding \$100, 25 cents.

More than \$100, and not exceed \$500, 50 cents.

For every sum above \$500, \$1.

Not to extend to wives, children, or grandchildren:

Notarial acts, 25 cents.

On every transfer of the stock of the United States, at the rate of 5 cents for every \$100.

On every transfer of Bank stock, as well of the United States as those established under the authority of the individual States, at the rate of 5 cents for every \$100.

Letters of attorney, 25 cents.

Policies of insurance:

From one district to another, in the United States, 20 cents.

To and from the United States to any foreign country, for any sum exceeding \$500, 25 cents.

For every further sum more than \$500, 25 cents.

For every sum of \$2,000 or upwards, \$1.

Probates of wills and letters of administration, 50 cents.

Mr. SMITH, of South Carolina, observed that, in the present situation of our affairs, very considerable additional revenues were necessary for the support of Government, and to defray the expenses which had been, or were likely to be, incurred this session. He stated that the actual probable appropriations for the current year would amount to the sum of \$7,694,217, while the revenues to meet them would not exceed the sum of \$5,318,584—leaving a deficit of \$2,375,633. But, as one of the items in the expenditures—viz: the million for foreign intercourse—would probably not be wanted, or, if wanted, might perhaps be borrowed, the committee had only stated the interest on that sum, namely, \$60,000, which therefore left to be provided this session the sum of \$1,435,633; and he was clearly of opinion that Congress ought not to rise until they had provided that sum. He was within bounds when he stated that sum as sufficient; for, if the million above alluded to (and which was destined for an object which the philanthropy of every member would urge the employment of, if practicable) should be wanted, and there should be any difficulty in borrowing it, (an event not impossible,) the House would regret the neglect of so interesting an object. The committee, however, calculating on

the improbability of the whole of that sum being called for, and on the prospect of a Loan, and unwilling to impose any further burdens than were absolutely essential, had ventured to depend on the interest alone, though it might have been more expedient to have provided for a part of the principal. Mr. S. said that, in the report, the sum of \$650,000 was stated as for contingent expenses which might or might not be incurred. Since the report had been made, a law had actually passed for augmenting the Military Establishment, by an addition of a corps of artilleryists and engineers, for garrisoning the fortifications, the expenses of which he estimated at \$170,000; another law had passed authorizing the PRESIDENT to call into service eighty thousand militia; although this last was a contingent expense, yet, as the PRESIDENT was authorized to incur it, a provision ought to be made for discharging it. This was estimated at \$150,000; the only item, then, remaining under the head of contingencies was the provisional force. It was probable this might not be wanted; it would rest with the House to determine whether the present crisis did not require such a measure, and, in that event, whether provision ought not now to be made to carry it into execution. He confessed he was among those who thought that a vigorous preparation for war was one of the best means to avert it; at all events, if it was the design of any nation to force us into it, we ought to be prepared for it, both as to military strength and pecuniary resources. Admitting, however, that this measure was not contemplated, it only produced a reduction of \$330,000 from the sum total of appropriations, and would still leave a deficit in our ways and means of \$1,105,633. Mr. S. observed that the appropriations of the current year would exceed those of any former year by upwards of two millions and a half of dollars. The several items which occasioned that excess were as follows:

Building and equipping six frigates	-	\$700,000
Fortifications of ports and harbors	-	300,000
Building additional arsenals and purchase of military stores	-	350,000
Appropriation for foreign intercourse	-	1,000,000
Corps of artilleryists and engineers	-	170,000
Expenses of militia	-	150,000
		<hr/>
		2,670,000

Deducting the expenses of the militia, which was a war expense, still there remained the sum of \$2,520,000 as an excess beyond any former expenses for our peace establishment, for there was not an item of expense in the foregoing statement which would not, or might not, be incurred, even if peace should continue. It was a fortunate circumstance, at this moment of public exigency, that the national Treasury was in possession of a surplus, arising from the revenues of former years, which surpassed our most sanguine expectations. This surplus amounted to the important sum of \$1,618,584, and was a most satisfactory evidence of the growing productiveness of our revenues in times of peace and tranquility; and, while it

MAY, 1794.]

Public Credit.

[H. of R.]

helped to enable us to face the increased expenditures of the country, it taught us to cherish that state of things which was productive of such national blessings. But we could not flatter ourselves that the revenues of this year would be as productive as those of the preceding year; many circumstances would contribute to diminish them considerably, even if peace should not be interrupted; the very prospect of a war would cause a diminution of exports from Great Britain to the United States, and at the same time a diminution of consumption among ourselves. Prudent men, apprehensive of war, would retrench their expenses, in order to meet the diminution of their incomes, and to be better able to contribute their quotas to the public Treasury. The measures which have been discussed in Congress relative to a sequestration of British debts, and a suspension of all commercial intercourse, would, by destroying that confidence which has heretofore existed, unquestionably diminish our importations from that country, which principally furnishes them. To these circumstances might be added the derangements occasioned to the commerce of this port by the unfortunate epidemic of last Summer, to that of all the ports by the present Embargo, by the extensive spoiliations committed on our vessels by the belligerent Powers, and the interruption occasioned by the Algerines to our commerce with the South of Europe. The Committee, taking all these considerations into view, had calculated on a defalcation in the revenue, arising from impost and tonnage for this year, of \$1,300,000, and had estimated it at only \$3,300,000; whereas that of 1793 produced \$4,600,000. It had been proposed that, in lieu of these stamp duties, the duties of impost should be increased on all articles which now pay a duty of seven and a half per cent. ad valorem to ten per cent, besides the increased rates of duties on the enumerated articles. It was not a little surprising (he observed) that gentlemen who, a few days ago, predicted an approaching war, whereby our existing revenue arising from impost would be almost annihilated, should now not only count upon the continuance of that revenue, but should expect further aid from that source; or that those who are urging a suspension of commercial intercourse should rely upon commerce altogether for revenue. He was decidedly of opinion that commerce was already sufficiently burdened, and that it would be as unjust as impolitic to add to the burden. We ought not to rely upon the proposed duties on the enumerated articles which, with the proposed increase of tonnage, constituted an item of near \$400,000. This he considered, under present circumstances, a very precarious resource. With respect to the other new sources of revenue, being untried, they were uncertain; the House possessed no data by which any accurate estimate could be made of their product. Under all these circumstances, while, on the one hand the existing revenues would fall short of those of former years, and the new revenues were either precarious or uncertain as to their amount, and, on the other hand, our expenses were necessarily much increased, and

were likely to be still further increased, he was confident the House would be sensible of the propriety of negating the motion. He was ready to admit that there would be some difficulty in carrying the tax into execution; but these difficulties were inseparable from the very nature of taxation. It required little ingenuity to discover them, and to apply to them all the common-place topics which were resorted to on these occasions. But he thought that, if the gentlemen would employ their ingenuity and inventive faculties in discovering such revenues as would enable the Government to face the present exigencies, they would render more service to their country than by embarrassing with objections, which were equally applicable to almost every species of imposition.

Mr. GILLON said: When this matter was under debate last, I offered a few remarks, with the mere view to obtain the information that seemed to be wanted. How far we have been gratified by the gentleman who dwelt much on this mode of taxation, the House must know; for, instead of producing the calculations required, observations were made that were as little convincing as they were pleasing. I do not think that my few remarks merited the replies which they met with, from three gentlemen in particular; but, as they have condescended to pay some attention to them, I was about to follow up their mode of politeness, and not leave their remarks unnoticed, when my colleague moved for an adjournment. I will try to recollect them, and shall first repeat what I then proposed, that the gentlemen who had been very attentive to the report of the Committee of Ways and Means differed so much in their calculations and observations, that I was not altogether able to form an opinion. Some observed that the report provided sufficient funds for a peace and a defensive establishment; others asserted that it did not. Some were for establishing funds by taxes for a war; others were not. It was urged, that, if there was sufficient for the present demand, why press for unnecessary and odious taxes? Let us rather confine ourselves to peace taxes, than be making experiments on land taxes, direct taxes, or an excise. It has, on all sides, been agreed, that we had not leisure to qualify either of these three kinds of taxes; that we had better adhere to what was absolutely needful; go home and tell our constituents what we had done; but that, if a war ensued, they must prepare themselves for taxes that were now looked up to as the proper funds for the expenses of a war. By this means, we should not only obtain their consent, but their aid, in qualifying them. And it was well known that war cannot be declared but by the consent of the Legislature; that the President, ever attentive to the interest of his country, would, if he foresaw that war was approaching, soon convene us; and that, whilst we declared war, we were at hand to devise the means of pursuing it.

I could not agree with the gentleman who observed, what harm would it do to have a little surplus in our Treasury? It might be employed

in paying off the principal of the Funded Debt. I then remarked, that our citizens did not expect to be taxed for that yet. Because it was well known that many of the holders of these securities had, as it were, already received a great part of the principal, by having bought the indents, at from two shillings to ten shillings in the pound. Thus, all, which they had paid less for than twenty shillings in the pound was, as it were, so much received of the principal.

Now, in these few remarks, what was there to cause the replies that I shall allude to? The last observation could not be meant to any gentleman on this floor; for, it could not be possible that I should suppose that any member of Congress had been engaged with the speculators out of doors, who could not hire expresses nor pilot boats quick enough to conduct their plans. Far be such an idea from me. The past and the present members value their integrity too much to avail themselves of aught that is interesting to themselves here. No, sir; I would rather suppose that every member entering these doors left his pecuniary interest behind him. Impressed with that opinion, how could I think to offend any gentleman on this floor, unless they mean to convince me that I am mistaken in that favorable opinion? If so, so be it.

Sir, I am not apt to be wedded to opinions, but, if I were not fixed before, I am now riveted in my opinion, that this tax is not only unnecessary, but is thereby also more odious. The gentleman before me, from Massachusetts, has, so far from answering my request on the Peace Establishment, entirely dwelt on the necessity and the propriety of a war tax. His volubility thereon proves to me that he is one of those who verily believe that there are already sufficient funds provided for all their engagements, else why not come forward with calculations and with proofs? Until he does that, sir, the censure he meant as to conjecture applies as fully to himself as to me, and his similes are far from being applicable. For, has he come forward with any of the calculations, or has any one else done it? No. Surely, then, my application is proper, and his censure of conjecture is improper. The simile, shall a farmer wait to sow his wheat and his rye until he is hungry, or shall we wait to lay on taxes until there is a war, have no affinity but in the highly cultivated mind that begot them, and merit not attention even to expose them.

Sir, you have done much. You have directed your harbors to be fortified, your army to be augmented, frigates to be built, arms and ammunition to be had, and you have already provided the means for completing these objects. You have done more. You have made provision for the payment of a million of dollars, to be borrowed, and to sink part of the principal; which loan is to be applied for the purposes of military preparation. You have sent a Minister Extraordinary to England, to negotiate in the matters that might cause an interruption of peace.

Then, sir, with all this, had we but continued the Embargo, with such exceptions as that our allies

would not have been injured by it, I will be bold to say that we should have had no war, and our suffering merchants would have had restitution. Should a war ensue, our moderation and our forbearance will make us strong, because we shall be unanimous. That being the case, our resources will keep pace.

Thus, sir, this gentleman, with all his conjectures and similes, has not flashed conviction to my mind that this tax is necessary. He has dwelt much on the majority binding the minority, and on his exercising his own judgment. He calls himself a representative for the majority. Can he be otherwise, whilst he represents all, which certainly includes both minority and majority? Sir, I always did, and ever will, aver, that we are the servants, and the people are our masters, who have employed us to guard their rights, and that submission to their will, properly expressed, is our duty.

A very respectable number of citizens have advanced their opinion on this excise, and many are averse to all excise taxes. We ask for proofs that any additional taxes are necessary. We obtain them not. Therefore, I say, that it is the wish of all our constituents to lay no taxes but what are immediately necessary.

Another gentleman of the same State, made some reply to my remarks that the taxes on cards, coals, &c., introduced as additional aids to the other taxes, fell short, and were no object. But as that gentleman made no calculations thereon, nor on any of the duties and taxes, I know not at what he aims, as he continued much on the strain of the gentleman before me. I therefore shall now approach my colleague, who is for every tax that has been proposed, except the one on a transfer of the public funds, and the additional duties on American tonnage. He to be sure, has made some calculations about defending towns, about duties on cards, and on coals, &c.

My colleague presses forward the present snuff and refined sugar taxes, and says that the one upon cards, to which I alluded, was trifling, an appellation that I should not have bestowed upon it, for it was that gentleman who proposed it. It was he who first spoke of it to me, and surely he did not mean me to support what was trifling. We all agreed that it would be productive. But, sir, I think I can prove that a duty on cards is not trifling, that it is equal, and that it is productive. Is it a trifling thing to encourage American manufactures, to amuse ourselves with the raw materials of America, to give our youths the opportunity of learning to shuffle and cut, and play tricks with American materials? Will it be a trifling duty, when we know that most are fond of them? I know not how it may be in some States, but I well know how it is in ours. The games produced by cards are amusements for rich and poor, high and low. Both sexes amuse themselves with these games. Thus they are an equal tax. Most people are fond of cards. The tax is not only an equal one, but none, I believe, will venture to say that it is not productive. If we knew what a tax on cards has produced, if we

MAY, 1794.]

Public Credit.

[H. OF R.]

knew the quantity of coals imported, then, and then only, can we know their probable amount in taxation. A gentleman from Virginia is the only member who brought forward some calculations, and he required information from the Chairman; but, sir, I wish to trouble him a little more. He says, sir, that, if this excise tax on tobacco, snuff, and sugar is struck out, there will be a deficiency of \$210,000. I have often heard of that gentleman's abilities, his assiduity in calculations. But, sir, it is to be lamented that we have not before us the exact amount of each duty, each impost, each tax, and tonnage, for 1793, the idea of what each addition will now produce, and the amount of the Civil List, descriptive. Then we can collect the amount of 1794. Until that is produced, and the documents and information which I have demanded are laid before the House, I retain my opinion, and therefore will now lay on the table my calculations, founded on the report of the Committee of Ways and Means, and asserting that, if their printed statement is right, I cannot be wrong; but I hope my original view in this matter will be accomplished by my requests and calls on gentlemen to come forward with the exact state of our finances. This is what I have in view, and then I shall invite gentlemen to explanations on the lumping statements.

To general support for 1794	-	-	\$7,044,217
Deduct the sum to be loaned for Foreign Intercourse	-	-	1,000,000

Balance as surplus for 1794	-	-	3,035,451
Total	-	-	9,079,668

By estimation of the revenues to the end of the year 1794	-	-	\$6,618,584
---	---	---	-------------

By additional duties and tonnage	-	-	\$992,500
----------------------------------	---	---	-----------

Deduct tobacco and snuff	-	\$100,000	
--------------------------	---	-----------	--

Loaf and lump sugar	50,000		
		150,000	

			842,500
By supplies of revenue for 1793	-	-	1,118,584

By probable surplus of appropriation out of the revenues of 1793	-	-	500,000
--	---	---	---------

Total	-	-	9,079,668
-------	---	---	-----------

By balance of surplus	-	-	3,035,451
-----------------------	---	---	-----------

Exclusive of any surpluses similar to those of 1793, and on the new additional duties—

The supplies supposed to be wanted are, if the \$1,000,000 be borrowed, the interest thereon, at six per cent. is	-	-	\$60,000
---	---	---	----------

If the addition to the military Establishment, provisional force, and expense of the Militia is required, is	-	-	650,000
--	---	---	---------

The supposed deduction on account of the imposts by interruption in commerce, is	-	-	1,300,000
--	---	---	-----------

Total	-	-	2,010,000
-------	---	---	-----------

Balance	-	-	3,035,451
Supposed supplies and deficiencies	-	-	2,010,000
Leaves still a balance of	-	-	1,025,451

That is, if the sums which I have taken from the printed report of the Committee of Ways and Means in my hand be rightly calculated by them; if there are errors, I call on the Committee again to explain them, and, in particular, to explain that lumping sum of \$6,618,584.

The question was then taken, and decided in the negative—yeas 35, nays 58, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas Claiborne, Isaac Coles, William J. Dawson, George Dent, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Carter B. Harrison, John Heath, Daniel Heister, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Francis Preston, Robert Rutherford, John Smilie, Israel Smith, Thomas Tredwell, Abraham Venable, Francis Walker, and Joseph Winston.

NAYS.—Fisher Ames, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Cuit, Henry Dearborn, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William B. Grove, George Hancock, James Hillhouse, William Hindman, John Hunter, William Irvine, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Montgomery, William Vans Murray, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Samuel Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Benjamin Williams, and Richard Winn.

And then the question being put, that the House do agree to the amendment reported by the Committee of the Whole House to the third clause of the said resolution by adding to the proposed duty of "five dollars on licenses or certificates of admission of solicitors, attorneys, advocates, and proctors," the words "in the Courts of the United States;" it was resolved in the affirmative—yeas 64, nays 23, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Elias Boudinot, Gabriel Christie, Thomas Claiborne, David Cobb, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Benjamin Goodhue, Christopher Greenup, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, James Hillhouse, William Hindman, John Hunter, William Irvine, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Peter

H. OF R.]

Public Credit.

[MAY, 1794.]

Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Samuel Smith, Zephaniah Swift, Thomas Tredwell, Jonathan Trumbull, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YAYS.—Fisher Ames, Shearjashub Bourne, Lambert Cadwalader, Abraham Clark, Peleg Coffin, Joshua Coit, Thomas Fitzsimons, James Gordon, Andrew Gregg, John Wilkes Kittera, Francis Malbone, William Montgomery, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Silas Talbot, George Thatcher, Uriah Tracy, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, and Artemas Ward.

The other amendments to the said third resolution were severally read and agreed to by the House.

A motion was then made and seconded to amend the fifth resolution, by striking out so much thereof as imposes a duty on all tobacco manufactured within the United States. And, on the question thereupon, it passed in the negative—yeas 41, nays 45, as follows:

YEAS.—Theodorus Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, William B. Giles, Alexander Gillon, Christopher Greenup, Andrew Gregg, Samuel Griffin, Carter B. Harrison, John Heath, Daniel Heister, William Irvine, John Wilkes Kittera, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Samuel Smith, Thomas Tredwell, Philip Van Cortlandt, Peter Van Gaasbeck, Abraham Venable, Francis Walker, and Joseph Winston.

YAYS.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, William B. Grove, James Hillhouse, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, Francis Malbone, Alexander Melane, William Montgomery, William Vans Murray, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, and Benjamin Williams.

An adjournment was then called for and carried, and the House accordingly adjourned.

FRIDAY, May 9.

The **SPEAKER** laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and disbursements of public moneys, from the first of July to the thirty-first of December, one thousand seven hundred and ninety-three, inclusive; also, his payments and receipts on account of the War Depart-

ment, from the first of January to the thirty-first of March, one thousand seven hundred and ninety-four, inclusive; which were read, and ordered to lie on the table.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for determining the Northern Boundary of the Territory ceded to the United States by the State of North Carolina; and that Mr. WALKER, Mr. BLOUNT, and Mr. PRESTON, be the said committee.

The bill, sent from the Senate, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," was read twice and committed.

PUBLIC CREDIT.

The House resumed the consideration of the resolutions reported on Wednesday last, from the Committee of the Whole House to whom was referred the report of the Committee of Ways and Means. The first resolution being under consideration—

Mr. CLARK moved, as an amendment, that over and above all other duties, there shall be laid on all goods, wares, and merchandise, the growth or manufacture of Great Britain or Ireland, a duty of ten per cent. Mr. C. complained that no adequate measures had yet been taken to express the sense of the House, on the injuries committed by Britain towards the commerce of America. If, after this regulation took place, only one-half of the goods were imported from that country that were imported before it, the ten per cent. of additional duty would be equal to the keeping up of the former revenue. The rich, who could afford to buy such commodities, would pay the impost. Those who could not buy them at the advanced price, would seek American manufactures, and this would give these manufactures additional encouragement.

Mr. W. SMITH was against the motion. If there is to be a war with England, it is not worth while to impose duties, as the trade will be at an end. If a peace is to follow, this motion will not advance it. So that, in either light, it is entirely superfluous, and can answer no useful purpose.

Mr. SEDGWICK appealed to the patriotism of the gentleman himself, that he could have no hopes of the amendment passing, but it would consume immense time in the discussion, and produce much irritation, without being of any service whatever. He was sure that the gentleman meant well, and he hoped that when he reflected on what had been just now suggested, he would withdraw his amendment.

Mr. CLARK did not know whether the amendment would pass or not. There was no certainty either way. He acted for the best.

Mr. GILES. Much has been said about irritation. He, for his part, felt none; and if the gentleman from Massachusetts [Mr. SEDGWICK] would restrain his own passions, there was no fear of irritation. Mr. G. hoped that the member had not forgotten the lesson delivered by himself yesterday, as to submission to a majority being an essential part in the character of a Republican. The gen-

MAY, 1794.]

Public Credit.

[H. OF R.]

tleman, it was to be hoped, would likewise remember the acknowledgments that he had made of his own fallibility; and by keeping this in mind, he would be able to prevent irritation. It was curious enough, that this cry had always come first from that side of the House, who were themselves most irritated. Mr. G. then proceeded to take a view of the probable consequences of the present amendment. He adhered to an idea of the advantages of diminishing our correspondence with Britain, as the best method of avoiding the contagion of her political corruptions. Mr. G. had heard much about negotiation. This was the universal cry of a certain description of people. An Envoy had been appointed to the Court of London to negotiate, and this measure seemed to imply an appeal to the generosity and magnanimity of the British nation. He had the greatest reliance on the purity of intentions in this design; but appeals of this kind, Mr. G. considered as altogether visionary. From the general result of what he said, the inference was, that it forms a perfect burlesque of common sense to draw any conclusions of British generosity. Whenever any measure had been proposed, that went to support the dignity and independence of America, with regard to Britain, the common answer was, that this might give offence—it might irritate! Was this language becoming an independent nation? He trusted that, in future, we might deliberate upon our domestic arrangements without any apprehension of giving irritation. Mr. G. observed, that, in the Southern States, there was a very general disposition to multiply domestic manufactures; and that this spirit would effectually dissipate any suspicion of inconvenience from the want of British manufactures.

Mr. TRACY did not comprehend what the member who spoke last meant, when he spoke about irritation. In regard to the question before the House, Mr. CLARK himself, when speaking of the Land Tax bill, had remarked how little time they had to spare. He would wish to know, in how short a time the member would be able to form a bill upon this subject, that could please even himself? [Mr. CLARK arose, and said "Two hours."] Mr. T. proceeded: It would take the gentleman two years. He is quick, and flies off, said Mr. T., but I appeal to his experience, as he has been in public business, perhaps, before I was born. Does he think that he can frame a proper bill on this subject in two hours? I venture to say, that he has not considered for two hours, nor, perhaps, for two minutes, upon this subject, if he can make a bill that would satisfy even himself, in so short a time.

Mr. AMES objected to the amendment.

Mr. FITZSIMONS, Mr. NICHOLAS, Mr. DEXTER, and Mr. MADISON, also spoke. Mr. FITZSIMONS had said, that there was a progressive diminution of trade with Britain, compared to the increase of American commerce with other nations.

Mr. MADISON, thereupon, read a paper containing a state of trade with Britain:

In 1791, the exports from that country to America were to the value of - - - \$19,502,070

Imports from America to Britain in the same time - - - -	5,511,843
	<u>\$13,990,227</u>
Exports in 1792 - - - -	\$19,711,369
Imports " - - - -	4,798,848
	<u>\$14,913,521</u>

Mr. CLARK withdrew his motion. The same gentleman made a motion for an addition of one-fifth more than the present duties upon all wine, ardent spirits, and teas. The resolution was negatived.

A motion was then made and seconded, further to amend the first resolution, by striking out, in the twenty-first clause, which imposes a duty on domestic tonnage, the words "ships or vessels of the United States, employed in foreign trade, six cents per ton."

And on the question thereupon, it was resolved in the affirmative—yeas 50, nays 37, as follows:

YEAS.—Fisher Ames, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, Samuel Dexter, Dwight Foster, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Carter B. Harrison, James Hillhouse, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Lyman, James Madison, Francis Malbone, William Montgomery, William Vans Murray, John Nicholas, John Page, Robert Rutherford, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeek, Abraham Venable, Peleg Wadsworth, Artemas Ward, John Watts, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas Claiborne, Jonathan Dayton, George Dent, William Findley, Thomas Fitzsimons, William B. Giles, James Gillespie, James Gordon, Christopher Greenup, Andrew Gregg, William B. Grove, George Hancock, Daniel Heister, John Hunter, William Irvine, Richard Bland Lee, Matthew Locke, Nathaniel Macon, Joseph M'Dowell, Alexander Mebane, Andrew Moore, Joseph Neville, Anthony New, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Thomas Scott, Israel Smith, William Smith, Uriah Tracy, and Francis Walker.

Another motion was then made and seconded, further to amend the first resolution, and to increase the duty on foreign tonnage, by striking out "twenty-five cents," and inserting, in lieu thereof, "fifty cents."

And on the question thereupon, it passed in the negative—yeas 25, nays 61, as follows:

YEAS.—Fisher Ames, Theodorus Bailey, Benjamin Bourne, Abraham Clark, Henry Dearborn, Samuel Dexter, William B. Giles, Alexander Gillon, Nicholas Gilman, Benjamin Goodhue, Daniel Heister, William Irvine, William Lyman, James Madison, John Page, Josiah Parker, Francis Preston, Robert Rutherford, John S. Sherburne, John Smilie, Peter Van Gaasbeek, Fran-

H. OF R.]

Public Credit.

[MAY, 1794.]

cis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YAYS.—Abraham Baldwin, John Beatty, Thomas Blount, Elias Boudinot, Lambert Cadwalader, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Jonathan Dayton, George Dent, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William Barry Grove, George Hancock, Carter B. Harrison, James Hillhouse, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, Nathaniel Macon, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts.

An adjournment was then called for, and carried.

SATURDAY, May 10.

The **SPEAKER** laid before the House a Letter from the Chairman of a meeting of the manufacturers of the City of Philadelphia, covering certain resolutions of the said meeting, expressive of their sense of the proposition now depending before the House, for imposing an excise on certain domestic manufactures; which were read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the Message from the **PRESIDENT OF THE UNITED STATES**, of the 25th of March last, enclosing copies of two letters from Fulwar Skipwith, Consul of the United States at Martinique. Whereupon,

Resolved, That the **PRESIDENT OF THE UNITED STATES** be authorized and requested to direct the payment of all just expenses incurred by Fulwar Skipwith, in relieving the wants and facilitating the return of the seamen belonging to the vessels of the said States, lately taken and condemned in the British West India Islands, under orders from the British King; and that the said payment be made out of the fund provided for the intercourse with foreign nations.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. **LEE**, Mr. **KITTERA**, and Mr. **PAGE**, do prepare and bring in the same.

PUBLIC CREDIT.

The House resumed the consideration of the resolutions reported on Wednesday last, from the Committee of the Whole House on the report of the Committee of Ways and Means. Whereupon, the first resolution being still under consideration, a motion was made and seconded, further to amend the same, by inserting, in the last clause, imposing a duty on the tonnage of foreign ships or vessels, the words "British excepted; and on British ships or vessels, fifty cents per ton."

And on the question thereupon, it passed in the negative—yeas 24, nays 55, as follows:

YAYS.—Thomas Blount, Gabriel Christie, Thomas Claiborne, William J. Dawson, William Findley, William B. Giles, Alexander Gillon, Christopher Greenup, Carter B. Harrison, William Lyman, James Madison, Joseph McDowell, Andrew Moore, Anthony New, John Page, Josiah Parker, Francis Preston, Robert Rutherford, John Smilie, Israel Smith, Abraham Venable, Francis Walker, Benjamin Williams, and Richard Winn.

NAYS.—Theodorus Bailey, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, George Hancock, Daniel Heister, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, Nathaniel Macon, Francis Malbone, Alexander Mebane, William Montgomery, Joseph Neville, John Nicholas, Alexander D. Orr, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Jeremiah Wadsworth, Artemas Ward, John Watts, and Joseph Winston.

And then the main question being put, that the House do agree to the said first resolution as amended, it was resolved in the affirmative.

The second resolution, as amended, was again read, and on the question put thereupon, agreed to by the House.

The third resolution being under consideration, a motion was made and seconded, to amend the same, by striking out the sixth clause in the words following, to wit: "Deeds, except those otherwise particularly rated, twenty-five cents."

And on the question thereupon, it passed in the negative—yeas 30, nays 44, as follows:

YAYS.—Theodorus Bailey, Thomas Blount, Thomas Claiborne, Isaac Coles, George Dent, William Findley, William B. Giles, James Gillespie, Carter B. Harrison, Daniel Heister, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Francis Preston, Thomas Scott, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Francis Walker, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Henry Dearborn, Samuel Dexter, Dwight Foster, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, George Hancock, James Hillhouse, William Hindman, John Hunter, William Irvine, Amasa Learned, Richard Bland Lee, Francis Malbone, William Montgomery, William Vans Murray, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Artemas Ward, and John Watts.

MAY, 1794.]

States' Accounts.

[H. OF R.]

And then the main question being put, that the House do agree to the said third resolution as amended, it was resolved in the affirmative.

The fourth, fifth, sixth, seventh, and eighth resolutions were again read, and on the question severally put thereupon, agreed to by the House.

A motion was then made and seconded, to amend the said report, by adding to the end thereof the following resolution, to wit:

Resolved, That, after the — day of —, there be allowed on exportation, a drawback of — per pound on all tobacco; — per pound on all snuff; and — per pound on all sugars manufactured in the United States; and that no drawback shall, from the said — day of —, be allowed on the exportation of any tobacco, snuff, or loaf sugar, imported into the United States."

And on the question thereupon, it was resolved in the affirmative.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. WILLIAM SMITH, Mr. BENJAMIN BOURNE, Mr. GROVE, Mr. ORR, Mr. MADISON, Mr. BALDWIN, Mr. CHRISTIE, Mr. FITZSIMONS, Mr. BOUDINOT, Mr. WATTS, Mr. TRACY, Mr. ISRAEL SMITH, Mr. AMES, Mr. GILMAN, and Mr. LATIMER, do prepare and bring in the same.

Mr. LEE, from the committee appointed, presented, according to order, a bill providing for the payment of certain expenses incurred by Fulwar Skipwith, on public account: which was read twice, and committed.

Mr. JEREMIAH WADSWORTH, from the committee to whom was referred the petition of Reuben Smith, for himself and Nathan Strong, made a report; which was read. Whereupon,

Resolved, That the Collector for the District of New York be authorized to remit to Reuben Smith and Nathan Strong, owners of the ship James, of New York, the duties and imposts of tonnage, which may be incurred in consequence of the incompetent or invalid register of the said ship: *Provided*, That they shall obtain, within one hundred and twenty days, a new register for the said ship, in the manner prescribed by law.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. JEREMIAH WADSWORTH, Mr. GILBERT, and Mr. FOSTER, do prepare and bring in the same.

MONDAY, May 12.

An engrossed bill, providing for the payment of certain expenses incurred by Fulwar Skipwith, on public account, was read the third time, and passed.

Mr. JEREMIAH WADSWORTH, from the committee appointed, presented a bill for the relief of Reuben Smith and Nathan Strong; which was read twice, and committed.

On a motion made and seconded, that the House do come to the following resolution:

Resolved, That the cession made by the State of New York, of a piece of land at Montauk Point, upon the east end of Long Island, for the site of a light-house, is, and shall be deemed a good and sufficient

cession of the jurisdiction thereof to the United States for the purpose for which it was designed; and that it be, and is hereby, accepted as such, anything in any law to the contrary thereof, in anywise notwithstanding."

Ordered, That said motion, together with the copy of an exemplification of an act of the Legislature of New York, ceding to the United States the jurisdiction of certain lands on Montauk Point, communicated by a written Message from the PRESIDENT OF THE UNITED STATES, of the 27th of February, 1793, be committed to Mr. FITZSIMONS, Mr. BENJAMIN BOURNE, and Mr. TREB-
WELL.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

As the Letter which I forwarded to Congress on the 15th day of April last, from the Minister Plenipotentiary of his Britannic Majesty, to the Secretary of State, in answer to a memorial of our Minister in London, related to a very interesting subject, I thought it proper not to delay its communication. But, since that time, the memorial itself has been received, in a Letter from our Minister, and a reply has been made to that answer by the Secretary of State. Copies of them are, therefore, now transmitted.

I also send the copy of a Letter from the Governor of Rhode Island, enclosing an Act of the Legislature of that State, empowering the United States to hold lands within the same for the purpose of erecting fortifications; and certain papers concerning patents for the donation lands to the ancient settlers of Vincennes, upon the Wabash.

G. WASHINGTON.

UNITED STATES, May 12, 1794.

The said Message and papers were read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate have passed a bill entitled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States;" to which they desire the concurrence of this House.

STATES' ACCOUNTS.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That the Secretary of the Treasury furnish the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the individual States and the United States."

Ordered, That the said motion be committed to Mr. MACON, Mr. GILBERT, and Mr. HULLHOUSE.

Mr. MACON then moved that a copy of a book in the Secretary of the Treasury's office, marked B, should be transmitted to each of the States.

Mr. SEDGWICK said, that if it was proper to raise discord and jealousy in the United States, and to feed them, then the motion was right; but if it was proper to keep the States in mutual harmony, the motion was wrong. A gentleman had said that the contents of the book were so short, that he could make three copies of it in a day. Why, then, if he wanted copies, let him send his

H. OF R.]

The Embargo.

[MAY, 1794.]

clerk to the office of the Secretary of State, and get a dozen copies made at once. There was nothing to hinder him from doing so. But why, to use the words of a great man, should the House belittle themselves by interposing in such a matter?

Mr. VENABLE said, that of all which he had ever heard, this sort of arguing was the most extraordinary. The book contained an account of the settlement of the debts due between the United States. By this statement, North Carolina was largely debtor, and Massachusetts largely the creditor. Yet the members from the latter State refuse to let the former look into the matter. You, the debtors, have nothing to do with the mode of settling the account. We, the creditors, are satisfied that it is right. This appeared to be the substance of some of Mr. V.'s reasonings.

Mr. DAYTON said that, in New Jersey, they wanted no such copy. The question was referred to a select committee, who are to make a report on the propriety of transmitting official copies of the book marked E to each of the fifteen United States.

Mr. CLARK complained that members did not attend punctually at ten in the morning, which made it necessary for the House to sit till three.

THE EMBARGO.

On a motion made and seconded, that the House do come to the following resolution:

"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the present embargo be continued, and every regulation therein shall be in full force until the twentieth day of June next."

Mr. PARKER observed, that, although he was much in favor of the Embargo when it was first enacted, yet, at the present time, he thought it would be improper to continue it.

At that time, a system was formed by a majority of the House, for carrying into effect measures that might counteract the nefarious practices of the British Government on our commerce; that the first object which presented itself to him was to lay an Embargo in order that the large fleets and armies of the British in the West Indies, who were there on a design to conquer the islands of our friends, and had committed robberies on neutral property, that would disgrace a banditti of pirates; and, in order that they should be deprived of the supplies which they might require, as well as to prevent the further capture of our vessels, and treating the American flag and citizens with insult and cruelty, I thought that would be the stepping-stone to other measures which were concerted to oppose the insults of our enemies, and doing justice to our citizens, whose property had been robbed and persons abused by British armed vessels; that this was to be followed by a bill which had passed the House of Representatives by a great majority for breaking off all commerce with Great Britain after November next, and this was to be followed by an arrestation of British property, to reimburse our citizens for the losses we had sustained; that, as the se-

cond measure was rejected by the voice of the VICE PRESIDENT in Senate, which had broken the chain; and, as the PRESIDENT had appointed a pacific Envoy Extraordinary to the British Court, and as the fleets and armies of the British in the West Indies, under Sir John Jervis and Sir Charles Grey, had captured most of the French islands, he thought it would be improper to continue the Embargo, the more so as the PRESIDENT, by slipping in and arresting the progress of the Representatives, no doubt, with a certain hope of the continuance of peace, and being responsible therefor, he deemed it best not to interfere, and to give up every further prospect of hostility, until the event of the mission to Britain shall be known.

Another reason that operated very forcibly with him, was, that our French friends were much in want of provisions; and, as there was no prospect of discriminations in their favor, which he had wished for, he should give it as his opinion, that it would be improper to continue the Embargo after the 25th instant.

From the commencement of the Administration of this Government, certain gentlemen, and particularly those of the Eastern States, had been charged with regulating their political conduct by local considerations. They had disregarded the interest of every part of the United States, but the particular districts of country from which they came. The charge was now reversed: those districts have suffered infinitely beyond their neighbors, by the effects of those measures of which we complain; and, notwithstanding all this, the Representatives of those districts have all at once so totally changed, have become so tame, so torpid, as to be regardless of the interests and sufferings of their immediate constituents. Nor (said he) is this all; our kind Southern brethren have, from pure disinterested benevolence, and with a most acute sensibility, determined to procure for our constituents that redress to which we are indifferent.

It had been said that the gentlemen who were in favor of indemnification had opposed every measure of energy. They had, indeed, opposed certain measures to which they would give a very different appellation. They had not only favored, but had been the authors of every measure of respectable efficiency, as well in respect to force, as the means of defraying the expenses which our situation had rendered it necessary should be incurred. He need not say who had opposed those measures.

Mr. FITZSIMONS hoped that the House would not agree to the resolution. He stated the numerous inconveniences which had arisen from the measure already. The system of British conduct was now altered. There were at present many ships detained in the harbors of the United States, that were cleared out before the Embargo was laid. Their detention, as far as he could learn, was contrary to the common practice of nations, in cases of that nature.

Mr. W. SMITH said, that the reason why the Embargo had been laid on was, the piracies of Britain. The second orders of the 8th of January

MAY, 1794.]

The Embargo.

[H. OF R.]

last had produced no alteration for the better, in the conduct of her privateers. We had yet heard nothing from the agents despatched to the West Indies; and we ought not to revoke the Embargo till some change of system, on the part of Britain, should warrant the measure; we knew nothing about the actual state of matters in the West Indies. The newspapers were filled with stories of releasing American vessels in one island, and of capturing them in another. One captain had come to this port, and told a story to the editor of a newspaper. He then went to another publisher of a paper, and told a story *quite opposite*! The House could make nothing of such a farrago—such a jumble of contradictory reports. The public sentiment was against taking off the Embargo.

Mr. WADSWORTH was against the motion. It had been said that American ships did not arrive from the West Indies. They did arrive in great numbers, and as quickly as could be expected. From this he inferred that the ravages of British privateers had, in a great measure, ceased. Insurance at present is not higher than ten per cent. A million of bushels of salt will be wanted this season in the American States; and they will be a million of dollars dearer, if the Embargo is kept on, than if it is taken off. Mr. W. said, that he had got home all his importations for this year. He had nothing, therefore, to apprehend on his own account, from the continuance of the Embargo. It was his firm opinion, and he could declare it upon his honor to be so, that, if the Embargo continued, the value of his own imports would rise one hundred per cent. He believed that salt would rise to three dollars a bushel.

Mr. NICHOLAS had approved of the Embargo when imposed; and he now hoped that it would be repealed by as great a majority as that which voted for laying it on.

Mr. GILES recommended a discontinuance of the Embargo. The gentleman from South Carolina had urged the public sentiment as a reason for keeping it on. He was glad to hear that the public sentiment was an argument in that House for the adoption of measures; and he was particularly highly pleased that this respect for the public sentiment had now come from the quarter from which it was at present announced. He hinted that the gentleman [Mr. W. SMITH] had not always paid an equal deference to public sentiment. He was for the Embargo being taken off, because he understood that France would suffer considerably by its continuance; because it would materially affect the American farmers; and because, as the danger was now more fully known, merchants would beware of the danger, and provide more or less for their individual security. Farmers in the United States had entered into contracts of various kinds. For the discharge of these, they depended on the sale of their crops. He was originally for the measure, which had answered many good purposes, by preventing American vessels from falling into the hands of British privateers. He was likewise for it, as connected with a system of other measures. [Mr. G. alluded to the sequestration of British property,

&c.] These measures had been laid aside; and therefore, he would now likewise be for laying this aside.

Mr. DAYTON said, that he had been in favor of laying the Embargo, both in the first month and in the second month of its continuance; but he should now be opposed to the proposition on the table, and against extending the Embargo beyond the 25th of this month, when the present one would expire. He would not be understood to found any part of his conduct upon a belief that there was a returning sense of justice in the Government of Great Britain, or that there had been any material change in the predatory system. He lamented that any of those who were on the same side should have entertained such a belief, and especially that they should have mentioned it as an argument against the motion. Where, he asked, was the proof that the instructions of the 8th of January had effected a change favorable to this country in the conduct of that nation? If there was such a change, as some gentlemen asserted, where were the two or three hundred American vessels that have been captured and carried into the British West India islands? If we look for them in our ports, they are not to be found. It is true, that now and then a solitary vessel enters into our harbors, escaped from British depredation: but you would hear the seamen who arrived felicitating one another almost as much as if they had escaped from the clutches of pirates. He said that those instructions might make them more complacent highwaymen, but still they would be highwaymen. They might practise a little more of the solemn mockery of judicial process; they might be a little more observant of forms; but they had since continued, and would probably continue to rob us. He mentioned those things to show that there were other considerations which influenced him. These were, that an Embargo would operate hereafter most unfavorably for ourselves, particularly our farmers, and for our allies, the French. Produce, he said, would certainly fall much lower, if we continued the Embargo longer than the 25th. Our farmers and planters depend upon the sale of that produce to pay their debts, or to purchase necessities for their families; and the resolution on the table would operate doubly hard for them, not only in lowering the value of the product of their farms, but by increasing the price of every foreign article which they would need to purchase from the merchants. The injury which its further continuance would occasion to our allies, the French, had great weight with him in opposing it. It could not be denied, that France was much more dependent upon this country for supplies of provisions, in her present arduous struggle, than any other nation, or than all others; and he inferred from thence, that there could not be a disposition in that House to extend a prohibition which should add to the sufferings of those who are fighting in the cause of liberty against the most powerful combination that was ever formed to crush it.

Mr. DEXTER was likewise for taking off the Embargo. It was become pretty evident that the

H. OF R.]

The Embargo.

[MAY, 1794.]

United States are not in immediate danger of hostilities. It was difficult to continue the Embargo till we could hear from Mr. Jay, which might require six months. Farmers suffer as much by the present restraint upon commerce as they would suffer by war.

Mr. CLARK was for letting the Embargo die of itself. He did not think it quite fair for gentlemen all to speak upon one side of a question. There was another Embargo that Mr. C. wished to see taken off as soon as it could be done with propriety. We have been embargoed in this House, said he, for six months, and if we persist in this habit of making fine speeches upon every occasion, it will be a long time before this second Embargo can be taken off.

Mr. GILLON desired that the matter might have a full discussion. He and his colleague from Charleston supported the motion by order of their constituents.

Mr. HUNTER then laid on the table a letter subscribed by forty-eight of the merchants and other citizens of Charleston, who had suffered by the piracies of Britain, with a list of the ships thus taken, and an estimate of their value. The letter was read by the Clerk.

Mr. GILLON then proceeded to make a variety of remarks in support of the motion before the House. He apologised, if any part of what he had to say, should seem a digression, as the subject was of so great an extent. Mr. G. said, that he remembered, in that Assembly, in 1777, they had used to flatter themselves, that the Eastern States would build ships, and the Southern would supply them with cargoes; and they would mutually support the interest of each other. He regretted that this cordiality was not, on the present occasion, so ardent as could have been wished. As to Britain relaxing her outrages in the West Indies, the sole object of that nation is gain, no matter by what means it could be obtained. Mr. G., to show the infamy of Britain in its proper light, quoted some passages from the letter of a captain in the West Indies, who had received the most unprovoked and the most horrible treatment from these miscreants.

Mr. G. hoped that the Embargo would continue for a longer period than to the 25th of June, the term specified in the resolution. He recommended that the House should adjourn but for a short time, and continue the restriction till they sat again. It had been said, that this step would injure our allies; that the price of imports would rise, while that of exports would fall. He would be one of the last men willing to distress our allies. He hoped that the Embargo might be restricted, so as to let the French import from this country whatever they wanted in American bottoms. This would promote our commerce, if gentlemen acquainted with that business considered the measure as practicable. Reverting to the remarks of Mr. WANSWORTH, Mr. G. observed, that salt is at present only three shillings and six pence, or four shillings a bushel in Charleston. The price has fallen there, and it has not even risen at Philadelphia. He did not see much

danger of a rise in the price of foreign articles here; merchant ships came at present frequently to this country. They encourage one another, as sure of a high market; and, as to the Embargo, they say that it cannot hold long. If the British depredations have ceased, it certainly is not owing to any change of principle in them. But our ships are kept safe at home in our harbors; their British system changes with the course of events in Europe. No nation is more insolent in prosperity; none more humiliated in adversity. Mr. G. concluded by expressing a hope that some way might be contributed for keeping on an Embargo, without injury to the farmers. If this could not be done, it must be taken off.

Mr. MURRAY hoped that the resolution would not succeed. Indeed he thought, that a total refusal of its terms would consist of our true policy. He said, he was among those who supported the first unsuccessful vote for an Embargo, and had in each following vote been for it. There were two reasons that had led him to think the Embargo a good measure, when it was laid, and continued: the risk the American trade and seamen were exposed to from that infamous course of depredation which followed the Orders of the 6th of November, and the evidence that flowed from that Order of an intention to involve this country in war. The depredations on our trade had been immense; and the Embargo was not only defensible as a good cautionary measure, to secure the seamen and vessels of this country from violence, but by shutting out our vessels from the opportunity of being longer exposed to British depredation, the occasions would be diminished that would bring up the irksome question, how far Government is bound to indemnify citizens for losses sustained under a violation of the laws of nations? The same act under which the depredations had been committed, manifested a spirit of hostility that betrayed the probability of war. He had believed, when he voted for the Embargo, that there was something of system in the November 6th Order. He thought that Order was the first movement of a system of hostile operations, which some intermediate events had set aside: of this, the Order of the 8th January, and the subsequent dismissal of the captured vessels, was evidenced. If the depredations have ceased, and the vessels captured have been released, and if the probability of war be diminished, the leading motives that justified so strong a measure had ceased to operate. There can be no doubt that vessels that have been taken have been released: the daily arrivals in various parts of the Union prove this. Had the chance of war continued in full force, the continuance of the Embargo, as is designed by this resolution, though it stood on a prodigious sacrifice of present interest, would have been not only defensible, but perhaps essential. It would not only prove negatively a benefit in the preservation of our shipping and seamen, but would operate, in the most sensible manner, as a withdrawal of supplies from the Power with whom hostilities might be expected. This great sacrifice to policy he could not now believe to be necessary longer

MAY, 1794.]

The Embargo.

[H. or R.]

than the term assigned by law—the 25th of this month.

The reason why he had voted for the continuance of the Embargo, though we had received intelligence of the revocation of the obnoxious and shameful Order of 6th November, was, because he had lost all confidence in the justice or wisdom of those who issued it; as he thought the first unjust by premeditation, he had suspected the last as insidious; however, this we know, that they have released our vessels. So very extensive was the influence of embargoes in this country, that nothing but dire necessity could justify them; a country with small capital and yet of immense export, and the great part of that export of a quality that could not endure the Summer's heat. In such a moment as the present, where evidence of the opinion of the public was so contradictory, he would endeavor to do what appeared to be the broad and general interest. There was, he believed, a field open to speculation by the doubt entertained of this day's decision: a variety of opposite interests of course were thus created, and opinions and wishes might be expected out of doors from the different views of self-interest. Those who had to purchase grain, for instance, calculating on the almost certain termination of the Embargo some time this Summer, and foreseeing great prices in foreign markets, might, if they were actuated by selfish principles, wish to see this resolution succeed. As the aspect of affairs had certainly considerably altered, and the reasons that led to the Embargo had so diminished as no longer to warrant either a dread of the capture of our vessels or the apprehension of war, (at least speedily,) he hoped the resolution would fail of success.

Mr. BOURNOR asked what assurance we have, that Britain will not play the same game over again that she has done already? Does not that new Order prohibit, as much as ever, American vessels from carrying provisions to her West India Islands? As to the Republic of France, he could make great allowances for their situation, but, after all, what apology could there be made for the starving of American sailors in French harbors? Is this proper? These men, as Mr. B. had been well informed, were at this moment actually starving, and in want of the common necessities of life. If the Embargo is taken off, this must be done upon the principle that it ought never to have been laid on. We must expect, that if our ships go back again to the West Indies, they will be taken as formerly. He could wish to stand by the measure, since it had once been adopted, and let the West Indies see that we can starve them out; let them see that we can make them feel the effects of our measures. He did not wish to continue the Embargo one moment longer than public necessity requires; but to have made the merchants and farmers suffer as they have done for two months, and then to have the business end in nothing, was rather vexatious.

Mr. W. SMITH defended his resolution. It had been alleged that emigrants wanting to get back to the West Indies, were prevented by this Em-

bargo. Government had provided for that. The point, it is said, has been determined, that the West Indies depend on America for subsistence. He asserted, on the contrary, that this point was not determined; and this revocation will prove to the world, that we are as eager to sell, as they are to buy. He hoped that there was a spirit in this country to stand the consequences of the measures. He next replied to the ironical applause bestowed upon him in a former part of this debate, by Mr. GILES, for his recently assumed respect to the public sentiment. He said that it is often very difficult to say what public sentiment is. The member himself had often opposed the public sentiment: he had opposed the arming of frigates, and yet that was surely a popular measure. At the same time, he hoped that no member would vote for a measure that his judgment condemns, because it is said to be a popular one; as this would reduce him to a mere puppet—a machine. It had been said, that this Embargo should be taken off on account of France; but our vessels, if that obstacle is removed, will not go to France: they will go to the West Indies, where they can get thirty dollars a barrel for their flour, which they cannot get in France.

Mr. S. next adverted to the other Embargo, upon the members of the House, referred to by Mr. CLARK. He hoped that public business would not be treated with levity, and that they would rise, when they found it convenient; but if the gentleman was so very impatient to get home, he could be very well spared by the House.

Mr. CLARK rose, and said a few words in reply.

Mr. GILES approved of the idea of Mr. GILLOX, as to the limiting the Embargo to the sailing of vessels for the West Indies: and a resolution to this effect was laid by the member on the table. Mr. G. thought this a proper discrimination, and if it could be effected, the true ground that the House ought to take. As to what the farmers of America had suffered by the Embargo, Mr. G. believed that there was not a single planter in the district which he represented, who would not rather burn his wheat, and dance round the bonfire, than sell it to the West Indies to feed the British army. He would have brought forward a motion of this nature sooner, but he had not thought that it would succeed, nor did he think yet that it would. It would however show his sentiments, and he hoped the gentleman from South Carolina, [Mr. W. SMITH,] if he was anxious to support his reputation for consistency, would give his vote for the resolution.

The question being put, to amend the resolution, by inserting after the word "continued," the words "upon all vessels bound to the West Indies, Bermuda, or Nova Scotia:" it passed in the negative—yeas 34, nays 52, as follows:

YEAS.—John Beatty, Abraham Clark, Isaac Coles, Jonathan Dayton, George Dent, William Findley, William B. Giles, Alexander Gillon, Nicholas Gilman, Christopher Greenup, George Hancock, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Mace, James Madison, Francis Malbone, Andrew Moore, Peter Muhlenberg, Joseph Neville, Alexander D. Orr,

H. OF R.]

Balances due certain States.

[MAY, 1794.]

Andrew Pickens, Francis Preston, John S. Sherburne, John Smilie, Israel Smith, William Smith, Thomas Tredwell, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YAYS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Henry Dearborn, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, James Hillhouse, William Hindman, Amasa Learned, Richard Bland Lee, Joseph McDowell, Alexander Mebane, William Montgomery, William Vans Murray, Anthony New, John Nicholas, John Page, Josiah Parker, Thomas Scott, Theodore Sedgwick, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and John Watts.

And then the main question being taken, that the House do agree to the said resolution, it passed in the negative—yeas 13, nays 73, as follows:

YAYS.—John Beatty, Elias Boudinot, Lambert Cadwalader, George Dent, Alexander Gillon, Benjamin Goodhue, John Hunter, Francis Malbone, Joseph Neville, John Page, William Smith, Artemas Ward, and Richard Winn.

NAYS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Jonathan Dayton, Henry Dearborn, Samuel Dexter, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Daniel Heister, James Hillhouse, William Hindman, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murray, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Thomas Scott, Theodore Sedgwick, John S. Sherburne, John Smilie, Israel Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Francis Walker, John Watts, Benjamin Williams, and Joseph Winston.

TUESDAY, May 13.

An engrossed bill for the relief of Reuben Smith and Nathan Strong, was read the third time, and passed.

The bill sent from the Senate, entitled "An act in addition to the 'Act for making further and more effectual provision for the protection of the frontiers of the United States,'" was read twice, and committed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying additional duties

on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels; which was read twice, and committed.

Mr. WALKER, from the committee appointed, presented a bill for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina; which was read twice, and committed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act further to authorize the adjournment of Circuit Courts," to which they desire the concurrence of this House.

Mr. GORDON, from the committee appointed, presented a bill granting relief to James Bell; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill making provision for the payment of the interest on the balances due to certain States, upon the final settlement of the accounts between the United States and the individual States.

Ordered, That the said bill, with the amendments, do lie on the table.

WEDNESDAY, May 14.

The bill sent from the Senate, entitled "An act further to authorize the adjournment of Circuit Courts," was read three times, and passed.

Mr. AMES, from the committee to whom was referred the Report of the Secretary of the Treasury on the petition of George Blanchard, in behalf of Edward Blanchard, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

On a motion made and seconded, that the House do come to the following resolution:

"Resolved, That the Secretary of the Treasury cause to be delivered to the Senators and Representatives of the State of South Carolina all the vouchers which were, by the agent of the said State, lodged with the Commissioners for settling the accounts between the United States and the several States, and since deposited in the Treasury, and which have been required by the Legislature of South Carolina."

Ordered, That the said motion be committed to Mr. CLARK, Mr. BENJAMIN BOURNE, and Mr. HUNTER.

Mr. LYMAN, from the committee appointed to select such parts of the confidential communications received from the PRESIDENT OF THE UNITED STATES on the twenty-fourth of February last, as are proper to be made public, made a report; which was read, and ordered to lie on the table.

BALANCES DUE CERTAIN STATES.

The House proceeded to consider the amendments, reported yesterday by the Committee of the Whole House, to the bill making provision for the payment of the interest on the balances due to certain States, upon the final settlement of the accounts between the United States and the individual States, which lay on the table; and the said amendments being twice read at the Clerk's

MAY, 1794.]

Balances due certain States.

[H. or R.]

table, were, on the question severally put thereupon, agreed to by the House.

A motion was made and seconded further to amend the said bill, by adding to the end thereof the following section, to wit:

"And be it further enacted, That the balances reported by the said Commissioners, and carried to the debit of certain States, be, and the same are hereby, relinquished."

And on the question thereupon, it passed in the negative—yeas 23, nays 58, as follows:

YEAS.—Theodorus Bailey, Thomas Blount, William J. Dawson, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, George Hancock, Henry Latimer, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, William Smith, Silas Talbot, George Thatcher, John E. Van Allen, Peter Van Gaasbeck, John Watts, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Thomas Fitzsimons, Dwight Foster, William B. Giles, Alexander Gillon, Nicholas Gilman, Andrew Gregg, Samuel Griffin, John Heath, Daniel Heister, James Hillhouse, William Hindman, Amasa Learned, William Lyman, James Madison, Francis Malbone, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Zephaniah Swift, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Francis Walker, Artemas Ward, and Richard Winn.

Another motion was then made, and the question being put further to amend the said bill, by adding to the end thereof the following section, to wit:

"And be it further enacted, That the payment of interest on the aforesaid balances, out of the said fund, shall cease and determine after the year one thousand seven hundred and ninety-eight; and that, thereafter, the balances reported to be due by the said Commissioners from certain States, be appropriated for the payment of the interest and principal of the balances due to the said States:"

It passed in the negative—yeas 27, nays 60, as follows:

YEAS.—Abraham Baldwin, Thomas Blount, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, William B. Giles, James Gillespie, Andrew Gregg, George Hancock, John Heath, Daniel Heister, James Madison, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Robert Rutherford, Thomas Scott, John Smilie, Abraham Venable, and Francis Walker.

NAYS.—Fisher Ames, Theodorus Bailey, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Good-

hue, James Gordon, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, Francis Malbone, Joseph McDowell, Alexander Mebane, William Vans Murray, Nathaniel Niles, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Benjamin Williams, Richard Winn, and Joseph Winston.

And on the question that the said bill, with the amendments agreed to, be engrossed, and read the third time, the previous question was called for by five members, to wit:

"Shall the main question, that the said bill with the amendments be engrossed, and read the third time," be now put?

And on the previous question, *"Shall the main question be now put?"*

It was resolved in the affirmative—yeas 52, nays 37, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, John Hunter, Amasa Learned, Richard Bland Lee, William Lyman, James Madison, Francis Malbone, William Montgomery, William Vans Murray, Joseph Neville, Nathaniel Niles, John Page, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and Richard Winn.

NAYS.—Theodorus Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William Barry Grove, George Hancock, Daniel Heister, Henry Latimer, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, Robert Rutherford, John Smilie, Israel Smith, Silas Talbot, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Francis Walker, John Watts, Benjamin Williams, and Joseph Winston.

And on the main question, that the said bill with the amendments be engrossed, and read the third time, it was resolved in the affirmative—yeas 51, nays 36, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Nicholas Gilman, Benjamin Goodhue, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, John Hunter,

H. OF R.]

Balances due certain States.

MAY, 1794.

Amasa Learned, Richard Bland Lee, William Lyman, James Madison, Francis Malbone, Joseph McDowell, William Montgomery, William Vans Murray, Joseph Neville, Nathaniel Niles, Josiah Parker, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Richard Winn.

YAYS.—Theodorus Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Andrew Gregg, William Barry Grove, George Hancock, Daniel Heister, Henry Latimer, Matthew Locke, Nathaniel Macon, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, John Page, Robert Rutherford, Thomas Scott, John Smilie, Silas Talbot, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Francis Walker, Benjamin Williams, and Joseph Winston.

A motion was then made, and the question being put, that the said bill with the amendments be read the third time on the first Monday of October next, it passed in the negative—yeas 33, nays 53, as follows:

YEAS.—Theodorus Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William B. Grove, George Hancock, Daniel Heister, Henry Latimer, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Joseph Neville, John Nicholas, Alexander D. Orr, John Page, Robert Rutherford, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Francis Walker, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Bondinot, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, John Hunter, Amasa Learned, Richard Bland Lee, William Lyman, James Madison, Francis Malbone, William Montgomery, William Vans Murray, Nathaniel Niles, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Richard Winn.

Ordered, That the said bill, with the amendments, be read the third time to-morrow.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act for erecting a light-house on the Island of Seguin, in the District of Maine," with several amendments, to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act providing for the payment of certain expenses incurred by Fulwar Skipwith on public account," with several amendments, to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed to the said bills; and, the same being severally read, were agreed to.

The House resolved itself into a Committee of the Whole House on the amendatory report of the committee to whom was recommitting the report on the memorial of Arthur St. Clair; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

Resolved, That there be allowed to Arthur St. Clair, at the rate of — dollars per day, for the time he was employed in going from New York to Pittsburg, and till his return to New York, between November, one thousand seven hundred and eighty-seven, and February, one thousand seven hundred and eighty-eight.

Resolved, That he be allowed at the rate of — dollars per day for the time he was employed in holding a treaty with the Indians, commenced in June, one thousand seven hundred and eighty-eight; and that the time be computed from his commencing that business till the treaties were delivered to the PRESIDENT OF THE UNITED STATES.

Resolved, That there be allowed, in the settlement of his account, two hundred dollars for a negro killed in the public service; also, the sum of two hundred and fifty dollars, advanced to Major Hamtramck; and that interest be allowed on his account.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. FIRZSIMONS, Mr. THATCHER, and Mr. HINDMAN, do prepare and bring in the same.

THURSDAY, May 15.

The House proceeded to consider the report of the committee to whom was referred the petition of Lewis Dubois: whereupon,

Resolved, That a committee be appointed to bring in a bill to authorize the Comptroller of the Treasury to settle the accounts of Lewis Dubois, for his services in the line of the Army of the United States, similar to others of his rank, who were deranged in the service.

Ordered, That Mr. TALBOT, Mr. PARKER, and Mr. GROVE, be a committee pursuant to the said resolution.

Resolved, That a select committee be appointed on the part of this House, to be joined by such committee as the Senate shall appoint, to consider and report what further business is necessary to be done during the present session; and at what time it will be proper to adjourn the same.

Ordered, That Mr. LYMAN, Mr. CLARK, and Mr. VENABLE, be appointed the committee on the part of the House.

Mr. CLARK, from the committee to whom was referred the motion of the 14th instant, for the delivery of certain documents deposited with the late Board of Commissioners for settling the accounts between the United States and the indi-

May, 1794.]

Indemnity for Spoliations.

[H. OF R.]

vidual States to the Senators and Representatives of the State of South Carolina, made a report: which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to amend the act, entitled "An act to enable the officers and soldiers of the Virginia Line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota;" and, after some time spent therein, the Committee rose, and were discharged from the further consideration of the bill; and it was recommitted to Mr. HEATH, Mr. NEVILLE, and Mr. ORR.

Mr. MACON, from the committee to whom was referred the motion of the twelfth instant, directing the Secretary of the Treasury to furnish the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department, by the Commissioners for settling the accounts between the United States and the individual States; made a report, which was read, and ordered to lie on the table.

Mr. FITZSIMONS, from the committee appointed, presented a bill to compensate Arthur St. Clair, which was twice read and committed.

INDEMNITY FOR SPOILIATIONS.

Mr. GOODHUE moved the following resolution:

"Whereas it is a primary object in the establishment of Civil Government, to protect the persons and property of its citizens, from the violence of nations as well as individuals; and whereas many of the citizens of the United States have suffered great losses, by spoliation made on their commerce, under the authority of Great Britain, in violation of the law of nations, and the rights of neutrality,

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States will guarantee an indemnification to all such citizens of the United States, whose property may have been captured and confiscated, under the authority of Great Britain, in violation of the Law of Nations, and the rights of neutrality."

Mr. GOODHUE moved that the resolution might be referred to a Committee of the Whole House, which was seconded by Mr. DEXTER. It was then moved, by way of amendment to the motion, by Mr. DAYTON, to add these words, "to whom was referred the resolution for the sequestration of British debts:" to which Mr. GOODHUE objected, because, he said the subjects were distinct and separate in their nature, and ought not to be combined. His resolution went only to establish the principle of indemnification, by guaranteeing it to the sufferers, leaving the fund from which it should be made (in case Great Britain should refuse to do us justice,) to a future consideration. That whether British debts were sequestered or not, he said, the United States were bound to see that indemnity was made to the merchants whose property had been kidnapped in a secret, clandestine manner, while pursuing a lawful trade, under the authority of this Government and the Law of Nations, or to give them an opportunity of indemnifying themselves, by making reprisals. That it was well

known there was great opposition to the sequestration of British debts; and it was very doubtful whether such a measure would ever be adopted; and if this resolution was to be referred to the same committee, and become connected with that, he should very much despair of ever getting any indemnification. That British debts were a very precarious and uncertain fund; and the idea of ever getting indemnification from that source, would operate as a delusion. That if sequestration, under any circumstances, could be proper, it was highly improper at this time, when an Envoy Extraordinary had just been despatched to Great Britain; and more so, as we had discontinued the Embargo, which would put all our remaining vessels in the power of that nation. He should, therefore, consider an agreement to the amendment as amounting to a determination not to consider the subject, at least for the present session.

In support of the amendment, it was argued, that the two subjects had an intimate connexion with each other, and never ought to be separated: that British debts and British property were the natural and only funds for paying British depredations, and if indemnity was not given this way, it ought not to be given at all; that, as it was probable the resolution for sequestration would lay dormant for some time, it was best to refer this to the same committee, that they might sleep together. The amendment was supported by Messrs. LYMAN, NICHOLAS, SMILLIE, DEARBORN, and MADISON.

Mr. DAYTON made a number of pointed remarks, on what he considered as the total futility of such a resolution. He looked on it as nothing better than an awkward attempt to gain popularity. He complained bitterly of the injustice of bringing up this motion alone; because when he voted against it, it might be surmised that he was unfavorable to the redress of the injuries of a certain class of citizens. He was for redressing their wrongs, and he had marked out to the House the only effectual way in which those wrongs should ever be redressed, viz.: the sequestration of British property. He adverted to an expression made use of, some days ago, by Mr. SEDGWICK, who had called this a *mad* project. Mr. D. was of opinion that the *mad-cap* might with propriety be transferred to a different situation, which he specified to the House. He said, that we were frequently told of the justice due to the British subjects. Be it so. But was there not justice also due to the people of the United States? And what justice could there be in attempting to make the American citizens pay for depredations committed by British privateers, when we had in our hands British property? Were we not bound to take as much care of our own interest, as of that of other people? It had been said, that as a negotiation was to commence under an Ambassador Extraordinary, that this measure would impede its success. He was, on the contrary, convinced that this was the only step that could be likely to insure the success of Mr. Jay's mission. It would teach Britain to give up her infamous conduct. It would convert, in the literal sense of the word, every English manufacturing

H. OF R.]

Indemnity for Spoliations.

[MAY, 1794.]

House, that had debts due to it in this country, into an American negotiator; and they would, for their own sakes, compel their Government to do justice to the American merchants.

Mr. D. scouted the idea of taxing America, to pay for the depredations committed in the West Indies. Supposing, what every gentleman in the House knew to be impossible, that if Congress actually were to pass such an act, the people would not submit to pay their money for any such purpose.

Mr. SEDGWICK said, it certainly had not been his wish that this question should be brought forward at the present time. As it was, however, before the House, as he approved the motives of his colleague, who made the motion, and as he perfectly concurred with him in opinion on the subject, he would make a few concise observations. He believed, that in a Government such as that of this country, it was the peculiar duty of those to whom the administration has been committed, to extend security and protection to all the interests, and redress for all the injuries of the citizens. That inexcusable and unexampled injuries had been perpetrated, and an immense value in property unjustly spoiled, and that the honor of our country had been insulted, without provocation, were facts admitted by all. Those whose property had been the sport of wanton violation, which, in many instances, had reduced the sufferers from ease and affluence to want and misery, came forward and demanded redress and indemnification. That they were entitled to such indemnification, from the nature of our social compact, he understood to be agreed by every gentleman.

[Here Mr. S. was interrupted by several members; and Mr. NICHOLAS and Mr. SMILIE declared that, in their opinion, there was no obligation to indemnify the sufferers, except it were done out of a fund to be formed by the sequestration of British property.]

Mr. S. said he was obliged to the gentlemen for setting him right; till now he had believed that the right of the sufferers to indemnification was denied by none. If this, however, was really a question yet to be decided, it was due to the sufferers, it was due to our own honor, to decide it without delay. It was asked, by what means is the Government to administer redress? They were first to apply to the Governments which had inflicted the injuries, to state their nature and extent, and to demand, in unequivocal terms, redress. This business, notwithstanding all the opposition which had been made, was happily in a proper train. He hoped and believed that the application would be effectual. It might, however fail; and in that case, he was free to declare, that we owed it to our honor and to our injured citizens, to attempt redress by means of the last resort. In that unhappy event, the interests of the sufferers must be involved with the general interests of the nation, and must abide the ultimate result of war. But if satisfaction should not be obtained by negotiation, and should the Government, from any political considerations, not seek redress by force, in such events the sufferers would have a just claim on their country for indemnifi-

cation. The question now immediately before the House was, to refer the motion for indemnification to the Committee of the Whole on the subject of sequestration. This was not fair, as it respected that part of the House who approved an engagement to indemnify, and who would never consent to sequestration. It was not fair as respected the sufferers, because he believed there was not a gentleman in the House who supposed that the measure of sequestration would prevail. He was astonished that any should believe that it ought to be adopted. He, himself, without hesitation, approved of engaging to indemnify the sufferers; but at the same time, with all his heart, he abhorred sequestration and confiscation of debts, as the measures which all civilized nations had for more than a century abandoned as immoral and unjust. He would not now enter into a discussion of the question of sequestration. Whenever it came directly under consideration, he pledged himself to undertake to prove that it was against the Law of Nations, that it was immoral, unjust, and impolitic. He had been sorry to perceive that the feelings of the mover of that proposition [Mr. DAYTON] were wounded, by the terms in which gentlemen had spoken of his motion. He himself, in his conscience, believed it to be immoral and unjust; and, as such, he felt himself bound as a man of honor to give it his strenuous opposition. The gentleman surely could not reasonably expect that independent men would sacrifice opinion to politeness or to friendship. All he could do, and that he did with pleasure, was to declare that he believed the gentleman's motives were pure and upright, and that he had a perfect confidence in the correctness of his moral sentiments. Viewing the subject in the light he had expressed he appealed to the candor and fairness of gentlemen, to what tended the combining of those irritating questions of indemnification and sequestration, but to wound the feelings and evade the just application of the sufferers? Gentlemen had charged his colleague, and those who had supported his motion, with attempting, by these means, meanly to court popularity. To refute this charge would, in his opinion, be unnecessary, because no well-informed man in America would believe it. He did not know that the opinions which were held by his friends and himself on this subject, were popular; it was sufficient that they were believed to be just. Was he, however, disposed to reeminate, by disclosing motives which were not avowed, but concealed, he could tell a tale, which, he believed, could be heard with effect.

Mr. GOODHUE spoke a few words in direct opposition to what had been advanced by Mr. DAYTON. The two propositions ought to be discussed separately. We had sent a negotiator to Britain, and a sequestration would put an end to his business. The citizens of the United States ought to be taxed, in the meantime, to pay these losses; and it was possible that a sequestration might, hereafter, be thought advisable. He very strongly pressed the idea of a tax to this end. It would be a proceeding of the most superlative impropriety, to lay on such a sequestration at this particular juncture,

MAY, 1794.]

Indemnity for Spoliations.

[H. OF R.]

when we had just agreed to take off the Embargo, because our ships would go to England, and be all seized, by way of reprisal.

Mr. CLARK recommended that both propositions should be laid aside for the present, and be suffered to take a sweet nap together, till a more convenient time. He spoke with much contempt of the notion of taxing the people of this country to pay for the ravages of Britain. The Court of London would say to the world: "You see that we acted right: you see the United States think so likewise; for they themselves pay their merchants."

Mr. GILES agreed with Mr. CLARK; but as there is a necessary sameness in the arguments on this question, and as they have already been detailed in so many different forms, it seems needless to repeat them over again so frequently. He said that when this tax came to be levied, every farmer would say, every man in America would say, "We shall have nothing to do with this business. Why don't you indemnify British depredations out of the British property that is within your grasp?" He had heard that Congress ought to decide an abstract proposition, viz: that this Government was, in any event, bound to pay the recent losses of its merchants by sea; and then proceed to assign funds for the payment. He thought that before Congress undertook any such engagement, they ought at least to be possessed of the money requisite to discharge it. He hoped that the House would never proceed to a vote in support of any abstract axiom, especially where taxes and public money were concerned, till they had carefully digested the collateral circumstances.

Mr. DEXTER spoke against the amendment. He said, that very strong reasons existed both for taking into consideration a proposition for indemnity to the sufferers, and also against connecting it with sequestration or any other subject. Each ought to stand or fall on its own merits. The sufferers were numerous, and deserving citizens; they had waited a long time, and had a right to know, before the close of the session, what protection they were to expect from the Government of their own country. Sequestration, without a change of political circumstances, would never pass both Houses of the Legislature; to connect them, then, would be to deny relief, without even examining the principles on which they claim it. He said, British debts had been called the only proper and natural funds: in his opinion, they would be no fund at all, even if sequestration could be adopted. The debts would never be collected; and not only so, but sequestration would be the beginning of hostilities, and war must ensue; this, at the same moment, would prevent all hope of obtaining justice from Britain, and also discharge our own Government from every obligation to indemnify. Mr. D. said he would state what, in his opinion, was the proper and natural fund—the money to be demanded of Britain by our Envoy Extraordinary. Should this fail, the Government of America would either pay the sufferers, or grant them letters of marque and reprisal. This, he said, is the constant course of nations, and this the sufferers have a right to demand, as a counterpart of

their allegiance. Mr. D. said, it had been objected that the British Government would be encouraged by it to refuse a recompense. This, if true, would be a serious objection, for he had always viewed negotiation as affording the only probable chance for indemnity to the sufferers. If a recompense be refused by Britain, war will be the consequence. The objection, however, he thought, would be entirely removed, by attending to the resolution itself. It is not, he said, a provision for taking the debt on ourselves, but merely to *guarantee* a recompense to the sufferers. The very word itself implies that the Government of America is not the principal debtor, but is to compel another to make indemnity, or become the debtor. Mr. D. closed with saying that he had attended only to the reasoning of the gentlemen, and not to their personalities. It was not his practice to leave the question, to impute to others motives either corrupt or paltry: if they chose to glean imaginary laurels on this ground, he was not anxious to share them; they could best judge whether, in this way, they were likely to increase their reputation or benefit the public.

Messrs. AMES, MURRAY, SMITH, of South Carolina, and HILLHOUSE, also spoke against the amendment, and said the merits of neither proposition were now before the House, but only the mode in which the subject should be considered; that they were in themselves separate and independent, and ought to have a separate and independent consideration; they were questions of very great national concern, and that blending them together would give an undue bias, and neither would be fairly and impartially decided. It was doubtful whether the resolution for sequestration ever ought to be adopted, and that to connect the two subjects, would be to hang a mill-stone about the necks of the sufferers; that, as they were a numerous and very meritorious class of citizens, their claim merited a candid and full examination, unembarrassed with any other matter.

A warm dispute arose about the form in which the question on this resolution should be taken. The point actually contested seemed to be, whether the resolution was to be referred to the Committee on Mr. DAYTON's motion for the sequestration of British property, or to a separate committee, which was insisted on by the mover, Mr. GOODHUE.

A division took place upon the question of agreeing to Mr. DAYTON's amendment, to add, after the words "be referred to a Committee of the Whole," the following words, viz: "to whom were referred the resolutions for sequestering the British debts;" and the yeas and nays being called for, were taken—yeas 57, nays 31, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Elias Boudinot, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Jonathan Dayton, Henry Dearborn, George Dent, William Findley, William B. Giles, James Gillespie, Alexander Gillon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William B. Grove, George Hancock, John Heath, Daniel Heister, William Hindman, John Hunter, Matthew

H. or R.]

Cherokee Indians.

[MAY, 1794.]

Locke, William Lyman, Nathaniel Macon, James Madison, Joseph M'Dowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Silas Talbot, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YEAS.—Fisher Ames, James Armstrong, Benjamin Bourne, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, James Hillhouse, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Vans Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, and John Watts.

And then the main question being put, that the House do agree to the said motion for commitment, as amended, it was resolved in the affirmative.

FRIDAY, MAY 16.

A memorial of sundry merchants, and other inhabitants, of Boston, Charlestown, Salem, Marblehead, Beverly, Newburyport, Manchester, Gloucester, Ipswich, and Danvers, in the State of Massachusetts, whose names are thereunto subscribed, was presented to the House and read, praying that the most speedy and effectual measures may be adopted by Congress to obtain restitution for the depredations committed on their property, which, under color of decrees of Admiralty Courts, has been condemned, and adjudged forfeited, by the subjects of the King of Great Britain, and the citizens and subjects of other foreign countries. Also, a memorial of sundry merchants of the city of New York, whose names are thereunto subscribed, to the same effect.

Ordered, that the said memorials be referred to the Committee of the Whole House to whom are committed certain propositions for the sequestration of the debts due from citizens of the United States, to the subjects of the King of Great Britain.

A petition of Gurdon Backus and David Meade Randolph, was presented to the House and read, praying relief against a judgment obtained in the District Court of the United States, for the State of Virginia, for the recovery of a bond, given by the petitioners, for the return of the certificate of registry of the sloop Rambler, late belonging to the petitioner Backus, which sloop was sold on the coast of Africa, to a foreigner; and the said certificate, with a trunk and other papers stolen from him, by one of his seamen, and never recovered.

Ordered, That the said petition be referred to Mr. SWIFT, Mr. JEREMIAH SMITH, and Mr. GILES; that they do examine the matter thereof, and report the same with their opinion thereupon, to the House.

An engrossed bill making provision for the payment of the interest on the balances due to certain

States, upon the final settlement of the accounts between the United States and the individual States, was read the third time.

And on the question that the said bill do pass, it was resolved in the affirmative—yeas 52, nays 34—as follows:

YEAS.—Fisher Ames, James Armstrong, Abraham Baldwin, John Beatty, Elias Boudinot, Benj. Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Alexander Gillon, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, William Lyman, Francis Malbone, Joseph M'Dowell, William Montgomery, William Vans Murray, Nathaniel Niles, Josiah Parker, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Richard Winn.

YEAS.—Theodoros Bailey, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, George Hancock, Daniel Heister, Matthew Locke, Nathaniel Macon, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Francis Preston, Thomas Scott, John Smilie, Silas Talbot, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Abraham Venable, Francis Walker, and Joseph Winston.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House for the appointment of a joint committee to consider and report what further business is necessary to be done, during the present session, and at what time it will be proper to adjourn the same; and have appointed a committee on their part.

CHEROKEE INDIANS.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the thirtieth of January last, transmitting the copy of a Letter from Constant Freeman, agent for the War Department, in Georgia, relative to the Creek Indians; and on the report of the committee to whom was referred a memorial of the Representatives of the people of the Territory of the United States South of the river Ohio.

The Chairman, Mr. PARKER, read to the House one of these papers, viz: a memorial from the House of Representatives of the Territory Southwest of the Ohio. They stated the hardships that the people of that country had suffered from the Cherokees. The murder of two hundred people of all descriptions, and the loss of two thousand horses, worth on an average, fifty dollars each, formed a part of the catalogue of their misfortunes. They expressed their satisfaction in hearing that the Congress had taken measures for protecting

May, 1794.]

Revenue Bill.

[II. or R.]

American commerce from the ravages of the Al-
gerines, and hoped that while their countrymen
in the Atlantic cities lived in safety and in luxury,
this distant portion of the Federal Government
would not be forgotten, or neglected. They solicited
the adoption of a more effectual system of de-
fence.

A report was read from the committee, who had
been appointed to take this memorial into consider-
ation.

Mr. MADISON objected to some part of the re-
port. It had been stated by the committee, that
the Governor of that country should be authorized
in case of any irruption by the Indians, to attack
them with an armed force, and compel them to
an observance of the treaties made with the United
States. Mr. M. considered this language as irregu-
lar, because by the laws, and universal sense of
nations, when hostilities are once commenced be-
tween two different States, existing treaties are at
an end; and, therefore, an armed force cannot com-
pel the observance of old treaties, but the forma-
tion of new ones. He stated several objections to
the method pointed out in the report of the select
committee for giving military aid to the back set-
tlers.

This discussion called up Mr. FITZSIMONS, Mr.
DAYTON, and several other members. At last the
Committee agreed to several amendments. They
rose, and the Chairman reported. The House
then proceeded to the consideration of the report
of the Committee of the Whole House, on this sub-
ject.

The resolutions were read and agreed to as
follows:

Resolved, That the PRESIDENT OF THE UNITED
STATES be authorized to call out such number of
the militia of the Government of the Territory
South of the River Ohio, or of the States most con-
veniently situated, as may be requisite to carry on
offensive operations against any nation or tribe of
Indians, that may continue hostile.

Resolved, That the PRESIDENT be authorized to
cause to be established and guarded, such military
posts as, in his judgment, will be necessary for the
permanent security of the frontier settlers, and to
employ one or more troops of horse, as patrols or
rangers between the said posts.

Ordered, That a bill or bills be brought in pur-
suant to the said resolution; and that Mr. CARNES,
Mr. BLOUNT, Mr. MEBANE, Mr. PICKENS, and Mr.
PRESTON, do prepare and bring in the same.

REVENUE BILL.

The House resolved itself into a Committee of
the Whole House on the bill laying additional du-
ties on goods, wares, and merchandise, imported
into the United States, and on the tonnage of ships
or vessels.

The three cents per bushel of additional duty
on salt was objected to by Mr. FINDLEY, as oppres-
sive to his constituents.

Mr. AMES was convinced, that this was much
better than a land-tax. It was beyond all compar-
ison, more cheap, more certain, and more equal in
the collection than a land tax. He would rather

tax salt, at even half a dollar per bushel, than agree
to a land-tax.

Mr. CLARK would be very glad to hear the gen-
tleman from Pennsylvania [Mr. FINDLEY] specify
upon what subject he was willing to pay a tax?
It was beyond the comprehension of Mr. C., for
what sort of a tax the gentleman was prepared to
vote, or, indeed, what sort of taxes the Western
settlers of Pennsylvania pay. We lay a duty on
sugar. They make sugar for themselves. We
lay a tax on tobacco. They are to manufacture
for themselves. We lay an excise on distilleries.
They refuse to pay this tax, and, in fact, they do
not pay it. We tax wines; but we are told that
these people are poor. They cannot, therefore,
afford to drink wine, on which the duty is very
heavy, for that duty is paid only by the rich. We
tax the importation of foreign fineries, such as silk,
but silk also is not the dress of poor people, so that
here again the constituents of the gentleman get
off. We are going to tax the importation of foreign
coals, but they have plenty of their own, and so
far from paying a tax on them, are cutting a canal
to bring them down to Philadelphia; which will
drive out the importation of foreign coals, and so
destroy the tax altogether. Under these circum-
stances, Mr. C. was solicitous to learn what taxes
the back settlers paid, for, as far as he could un-
derstand, they paid none; and their Representative
would do well to inform the House on what they
were willing to pay a tax. Was Government to be
burdened with them, and derive no compensation?
Was it a sufficient reason for exempting a district
from public burdens to say that the people are
poor? Are taxes to be paid exclusively by the
rich?

Mr. RUTHERFORD objected to this duty on salt. It
was often to be carried from one to three hundred
and fifty miles inland, and in fact, it frequently
costs twenty shillings per bushel. No tax could be
so universally unpopular as this would be.

Mr. FINDLEY replied to Mr. CLARK. As to sugar,
though some of his neighbors made theirs, Mr. F.
bought his own in Philadelphia. As to silks and
other female fineries, his constituents did just like
other people. They spent, in that way, as much as
they could possibly afford, and had among them
ladies very well dressed. As to other matters, his
constituents purchased their manufactures in Phila-
delphia, and paid for them, as other people did.
Salt, he said, was known to be necessary for cattle
in the back country. He was strongly against the
tax.

Mr. GILLON likewise opposed the tax on salt. It
had been proposed in the State which he represent-
ed, but never could be carried through.

On a division, it was rejected: ayes 32, noes 47.

A motion was made for striking out twenty-five
cents per ton of additional tonnage, on foreign ves-
sels, in order to insert fifty.

It was passed in the negative; ayes 39, noes 41.

After going through the bill, the Committee rose,
and the House went into consideration of the
amendments made in Committee of the Whole.

On the subject of an additional duty on coal im-
ported, Mr. GILES said, that the rise was very mo-

H. of R.]

Tobacco and Sugar Duties.

[MAY, 1794.]

derate from four and an half to six cents per ton. A Boston company was about, as he understood, to embark in this business, but waited to see the steps taken by Congress. There was as much coal in Virginia as would serve all America, and Europe besides.

Mr. WADSWORTH would have the additional duty restricted to all coal imported in foreign vessels.

Mr. HEISTER wanted to know, whether the price of coal had not been already doubled within these few years. He was informed that coal imported had of late risen from six dollars per ton, to twelve dollars and a half.

Mr. FITZSIMONS said, that a few years would put an end to importation altogether. He defended the tax. He saw no danger to any of the manufactures in America, that make use of foreign coal arising from this tax. Nothing but a capital was wanting to make America supply herself.

Mr. SHERBURNE recommended the amendment of Mr. WADSWORTH, as to the restriction of this duty to foreign bottoms.

Mr. MADISON worded this amendment "on all vessels not belonging to citizens of the United States;" because foreign bottoms might belong to people of this country. He was not solicitous about the fate of the motion. The amendment was lost; but the original motion was carried.

Another amendment was, "after the fourth section to add six cents additional per ton on American tonnage."

Mr. GOODRICH considered that nothing could be so sore upon our merchants, as this burden at this time, when half our shipping are in the hands of the Algerines or the British.

It passed in the negative—yeas 39, nays 45—as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Jonathan Dayton, George Dent, William Findley, William B. Giles, James Gillespie, James Gordon, Samuel Griffin, William Barry Grove, George Hancock, Thomas Hartley, Daniel Heister, John Hunter, Richard Bland Lee, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Peter Muhlenberg, Joseph Neville, Anthony New, Nathaniel Niles, Alexander D. Orr, Andrew Pickens, Francis Preston, Israel Smith, William Smith, Silas Talbot, Uriah Tracy, John E. Van Allen, Peter Van Gaasbeek, Peleg Wadsworth, Francis Walker, and Joseph Winston.

NAYS.—Fisher Ames, Elias Boudinot, Benjamin Bourne, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, Henry Dearborn, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Christopher Greenup, John Heath, James Hillhouse, Amasa Learned, William Lyman, James Madison, Francis Malbone, William Montgomery, Andrew Moore, William Vans Murray, John Nicholas, John Page, Josiah Parker, Robert Rutherford, Thomas Scott, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Zephaniah Swift, George Thatcher, Jonathan Trumbull, Abraham Venable, Jeremiah Wadsworth, John Watts, Benjamin Williams, and Richard Winn.

Ordered, That the said bill, with the amend-

ments agreed to, be engrossed, and read the third time to-morrow.

SATURDAY, May 17.

An engrossed bill laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, was read the third time and passed.

Mr. WILLIAM SMITH from the committee appointed, presented a bill laying certain duties upon unmanufactured tobacco and refined sugar; which was read the first time; and opposition being made to the same, the question was stated, to wit: "Shall the said bill be rejected?"

TOBACCO AND SUGAR DUTIES.

The bill laying a duty on tobacco manufactured, and sugar refined, in the United States, was read a second time.

Mr. LYMAN opposed its passing to a third reading, on the ground that those articles deserve yet the fostering care of Government, and are entirely incapable of bearing such a burden; for, even now, notwithstanding the present protecting duties, they, especially the article of manufactured snuff, are yet imported. He also objected to the bill, from the exceptionable nature of an excise.

Some objections were made to the propriety of opposing the bill in its present stage.

Mr. CLARK thought the bill unnecessary, because the two-and-a-half per cent of additional impost would supply all the wants of the public. He thought that the bill had an *immoral* tendency, because it tempted men to perjure themselves. It was oppressive, as making every man's house liable to be searched at midnight. He thought it also would produce an expensive mode of collection. He, therefore, objected against it, as unnecessary, of an immoral tendency, as oppressive and expensive. He had always voted against it, and he always should persist in voting against it.

Mr. AMES pressed the necessity for money, and the want of other funds to discharge the services of the current year. He said, that to impose taxes was an unpopular office, and exposed members to dislike. Perhaps they might be *persecuted*; but it was still requisite for members to perform their duty. He had a greater repugnance to the excise as established in Europe; but in America it was of a different nature. To reject the present bill would place the finances of this country in a very alarming point of view. If this bill was thrown out, we might bid farewell to firm and determined measures. We must go home when we are to lay a tax, and ask the people whether or not they like it.

Mr. NICHOLAS went into the old arguments against excise. He was severe on the general character of excise officers, whom he represented as the dregs of society. Very few persons in America would accept of such an office at all, and those who accepted of it, are by no means of a respectable rank in life.

Mr. FITZSIMONS. There are as good men employed in the collection of the revenue as any

MAY, 1794.]

Tobacco and Sugar Duties.

[H. or R.]

others in the country, not excepting the gentleman himself; and men who are as well liked by their neighbors.

Mr. W. SMITH. The rejection of the bill at this time will not decide the principle of excise; if rejected, it will not be owing to the arguments against it, but to the absence of a great many members, who never dreamed that the question would have been brought on to-day, and who do not even know that the bill has been so much as reported. The practice is uncandid, and unprecedented, to endeavor to reject a bill at this stage, before it has been printed, and the members know its contents. Was it fair and consistent, in a thin House, to reject the bill without any further consideration than one reading, for the sake of form, a reading to which *nobody had listened!* How was this to settle the principle of excise? Was it not already settled in the Constitution and by existing laws? But a new argument had been this day resorted to; there was a surplus of revenue in the Treasury, without new taxes, and this had been discovered, since this tax had been agreed to. If this argument was founded in fact, it would put an end to all debates on all the new taxes; but what was this notable discovery? an additional two-and-a-half per cent. on impost. This was no discovery which could change the question, for it was agreed to, before the duty on manufactured tobacco and sugar; and the latter had been therefore established by the House, with a knowledge that the former was laid. He asked, if, in the present situation of the country, all dependence was to be placed on commerce? How could certain members reconcile this proceeding with their former votes and language? But the other day we were to prohibit all commercial intercourse, to sequester debts, and to prepare for war. Now, we are to derive the whole of the revenues from trade; the same gentlemen who urged these measures were now defeating every kind of revenue, which might be productive. There was something so extraordinary in this, that he could not account for it. It was said, that the Committee of Ways and Means ought not to have reckoned on a defalcation, in the impost of \$1,300,000, but the gentlemen assign no reasons for their assertion, whereas the committee founded their report on the best information. Admit, however, that it is doubtful; was it safe, in the present critical state of the country, to place all dependence on *external* resources, which were every moment in danger of being cut off? Did not duty require a provision for the defence and safety of the United States, by *internal* resources? This was certain, that the extra appropriations of this year exceeded those of any former year by two millions and a half of dollars. Where was the money to come from? The members in opposition to this tax, voted out land and salt; they endeavored to vote out stamps and carriages. They will agree to nothing but impost. Are the merchants to be saddled with the whole burden, because, like friends to order and tranquility, they have not *called town meetings, or published inflammatory resolves?* It is said, war is no longer expected; this country is

willling to submit to every thing. Was this insinuation pointed at Congress or the Executive? It was unfounded in either case; because negotiation was tried, it did not follow that either the one or the other branch of the Government were disposed tamely to submit to injury; for himself, he was ready to aver that, if proper reparation were not obtained, he should be for war. The balance now being trembling on its beam; and no one could say whether it would settle for peace or war, he was for preparing seriously for the latter, while we strove to preserve the former. Pecuniary exertions were indispensable; it might be a pleasant thing to oppose taxes, and the advocates of new taxes might be obnoxious, but this would not draw him from his duty. The increase of excise officers had been mentioned; the bill did not propose a single one; the bad character of the excise officers had been mentioned; the supervisors were among the most respectable men in the United States, and the inspectors were as virtuous as the officers of the customs. The embarrassments, the taking of oaths, &c., were not more applicable to manufacturers than to merchants and captains, who could not enter, or unlade, or clear out, without difficulties, embarrassments, and oaths; but this was disregarded, as if they had less feeling than other people. As to the injury to morals, the necessary oaths required by all revenue laws were not injurious to the morals of the honest, and those who swore to the truth; and, as to those who were disposed to commit frauds and perjuries, no injury could be done to the morals of these who had none. Mr. S. wished that less had been said in the way of general reflection on the Collectors of the revenue. Some years ago, a member of that House, when they were at New York, attacked the tide-waiters. There happened to be a tide-waiter in the gallery, who wrote, next day, a pretty smart letter to the member, who had spoken so freely of his profession.

Mr. NILES hoped that no gentleman would say, that he wished to see the Treasury empty. He would, for his own part, be glad to know whether there was a deficiency or not, clearly stated. He did not see so much as some others did, in the objections to an excise. It was *called* an excise, it was true, but we do not know yet the way in which it is to be levied; so, we cannot tell whether there will be any hardship in it or not. He went over some of the statements of different gentlemen, but on the whole, there was so much contradiction in the assertions of different members, that Mr. N. knew not what to make of them.

Mr. BOURNOR moved that the House adjourn, which they did immediately, at three o'clock.

MONDAY, May 19.

A memorial of the inhabitants of the town of Salem, in the State of Massachusetts, was presented to the House and read, praying a further continuation of the Embargo laid on ships or vessels in the ports of the United States, bound to any foreign port or place. Laid on the table.

IMPRESSMENT OF AMERICAN SEAMEN.

Mr. MURRAY moved, that a committee be appointed to report a bill to provide such regulations as may enable American seamen to obtain and carry evidence of citizenship, for the purpose of protecting them from impressment into foreign service. He said, that it was a reasonable expectation that the subject of this resolution should be seriously attended to, at any time; but there were the most urgent reasons for an attention to the situation of our fellow-citizens of this description at the present period. That the evil of impressment into foreign service existed, no gentleman could doubt, and it was equally doubtless, that it was the duty of Congress, as far as they could, to provide a remedy for the evil. A few years since, when Britain armed her navy against Spain, on the Nootka-Sound question, it had been the fate of several hundreds of the American seamen to be impressed into a service which they abhorred. For a proof of this fact, he would recite the remembrance of the House, to the claim made by Mr. Cutting for repayment of money actually expended by him, in the liberation of seamen in this humiliating situation. Congress repaid Mr. Cutting two thousand dollars. That they had thus attended to this claim was proof that the fact complained of existed. The evil arose, not more from the extreme insolence of disposition of the press-gangs, than from a real difficulty of discriminating American citizens from British subjects. The difficulty was, in similarity of language, dress, and manners; and from the deficiency of evidence of citizenship, which, in a foreign port, could not always be obtained. For, though the Lords of the Admiralty of England had laid down certain rules, in the case that he had mentioned, the rules laid down had exacted so rigid and pointed an oath, from personal knowledge, that they scarcely could, in any case, be complied with. A captain might, in many instances, *believe* his sailor to be an American, and yet not think himself warranted in making oath to this fact. The object of his resolution was, that seamen, who are American citizens, might all pursue a uniform line of evidence in proof of citizenship, and that, by an entry of such evidence solemnly obtained in the clearances or other authentic papers of the ship, the same weight and authority should be given to their part of a ship's papers as were, in all cases, given to all sea letters and other papers. He believed that, if the subject went to a select committee, a particular regulation on this subject might be digested, which would, in many cases, if not in all, afford such good evidence of citizenship, as would save American seamen from the injustice and cruelty that many, he believed, now actually suffered under; for he had heard that a number of them had been impressed in the West Indies on board of the British fleet. He was not so sanguine as to imagine, that any law could give full protection to our seamen; for he was convinced that, in order to give complete protection, certain rules of evidence must first be recognised, by Convention between this country and Britain, stipulating the extent of certain political principles re-

lative to alienage and allegiance. Till, however, that is done, he thought it the duty of Congress, and particularly, at this disturbed period, to afford every aid in its power to this class of citizens. To bring the subject before the House, he had moved the resolution, which he gave notice, that he would call up to-morrow.

TOBACCO AND SUGAR DUTIES.

The House then resumed the consideration of the bill for laying a duty on manufactured tobacco and refined sugar, which had been debated and postponed on Saturday.

Mr. GOODRICH wished for a delay. He had seen a gentleman from Pennsylvania, last night, whom he did not now see in his place in the House, and who was making out an estimate, whether the money proposed to be raised by these taxes would be wanted or not. If they could really do without the money, it would be better to reject the bill.

Mr. SHERBURNE thought that the question might be delayed, till it was seen, whether the sums, to be produced by this bill, would be actually required, or not.

Mr. DAYTON believed that the money was wanted. He would therefore vote for the bill. It was incumbent on gentlemen who objected to the bill, to show that the money would not be wanted.

Mr. SMILIE and Mr. LEE rose at the same time.

The SPEAKER observed, that Mr. SMILIE had risen first.

Mr. LEE said, that the gentleman from Pennsylvania had already spoke twice on this subject; and he *insisted for order*. [Mr. L. referred to the proceedings of Saturday, for Mr. SMILIE had not spoke any before, this day.] Our time, said Mr. L., is too precious to be wasted in talking, when every gentleman is competent to give his vote already. I call for the question. His opinion was, that the money was not yet wanted; and that it was being too provident to vote for taxes, before they were required by necessity.

Mr. W. SMITH contended, that there would be a very considerable deficiency. He asked, who would lend us money, if there was such a difficulty in establishing funds to pay the interest of it?

Mr. WADSWORTH hoped that the bill would not be altogether thrown aside. There was part of it that he approved, and part of it that he did not perfectly approve. In discussing this question, much stress has been laid upon the two-and-a-half per cent. of additional impost on importations, as if that would be a fund for the increase of revenue, and supersede the necessity for some other taxes. Mr. W. assigned his reasons for believing that this supposition was perfectly chimerical. Within the last six months, American vessels and property had been captured by the British privateers in the West Indies, to the extent of *one million of dollars*. This will make the importations less, by at least five hundred thousand dollars, and, of consequence, destroy a great part both of the old and new impost. Property to the extent of one-fourth of a million of dollars, perhaps, had likewise been seized by the Spaniards, and other

MAY, 1794.]

Tobacco and Sugar Duties.

[H. OF R.]

nations had most likely taken as much more. The total loss to American commerce could not, therefore, be less than *fifteen hundred thousand dollars*. The imposts on importations must, therefore, be very much reduced; as from Britain, for example, there would not, in his judgment, be one-fourth part of the imports, from this time to the first of December, that had been formerly. And no man could imagine that, at the most, they would exceed one-half of their former amount. The British merchants would be afraid, on account of the matters that had been proposed. These people, they would say, have been laying embargoes, and speaking of sequestration and indemnification. We must be cautious. Mr. W. added, that it was possible enough, that America might, in the Fall, be at war with Britain; and then impost and importation will fall together. These were his motives for believing that the two-and-a-half per cent. would be of no great consequence. It had been said, that the ten per cent. would produce a large augmentation. He did not, from the diminished quantity of imports, believe that it would be *so much*, by twenty or thirty per cent, as the old seven-and-a-half duty had produced. Mr. W. next reverted to the bill before the House. One part of it (the duty on snuff) he could not agree to. The other part, refined sugars, would fall on those who could afford to pay it, and after all that had been said against this bill, he was firmly convinced, that, so far from injuring the manufacture, it would thrive the better for this tax. He, on this account, hoped, that the bill would pass, in spite of his objection to some things that might, perhaps, be corrected. He then replied to the complaints of some gentlemen, who, as an excuse for repeating over and over again, their former arguments and opinions, observed, that they had not received an answer. It was very likely that they might think so, and he, for his part, did not think that he had been answered. This kind of reasoning had no end. Perhaps it was impossible for him, or gentlemen of his sentiments, to answer the opposite side of the question. And, again, perhaps the gentlemen of the opposite opinion could not answer them. The matter must rest there, and the question come to a vote.

Mr. FITZSIMONS was convinced that there was a deficiency, and a great one. But he was not fully prepared to speak upon the subject; though he was sure of the fact. He did not wish to hurry the subject. The bill might be printed.

Mr. NICHOLAS was sorry to have learned that he had, on Saturday, made a general reflection on a profession of men. With some gentlemen, in the line referred to, he had as strict a friendship as with any persons on earth. He said, that ten lines of figures, which he had in his hand, would satisfy the House, that the taxes in the present bill are not wanted. He then began a detail of considerable length, to which Mr. FITZSIMONS replied.

Mr. TRACY. One gentleman says that we have a surplus of three millions; another, that we have a surplus of one million. It is very strange for gentlemen to be coming forward in this stage of

the debate, and to say that money is not wanted, after the want of money has been so frequently advanced, and admitted, in the House. It is unaccountable, that there should be a contradiction on a point of this nature. He next went into a long series of calculations.

He objected to the estimate of the impost of 1793, that was reckoned upon for the current expenses of 1794. A great part of this impost was still due, by bonds. The persons who had given these bonds were, many of them, broke by the British depredations in the West Indies; and, in fact, a large proportion of that impost never would be paid in to the Collectors of the revenue.

He was displeased with the way in which some gentlemen had spoken of the national debt. He had no share, for his own part, as a creditor; but a part of his property must go to the discharge of it, and he should cheerfully pay it. He did not agree with those gentlemen who, in the event of a peace, would not wish to replenish the Treasury. It was curious, that the House had now been assembled for nearly six months; and that their chief object had been to discover ways and means for raising public money. A bill for that purpose had been brought in; and just when it was on the point of being passed, we make a sudden and wonderful discovery, that no money is wanted; but that we have an overplus of three millions of dollars. The thing cannot be. The calculations are not founded on truth. He did not believe that members understood the bill. He could demonstrate, that there was occasion for a supply of money.

Mr. MADISON thought, that the arguments on each side of this question might be reduced to a narrow compass. If peace continues, he supposed it likely that the revenue would not fall so far short, as the Committee had apprehended. But if there was a war, the expense would much exceed anything yet thought of. He was for laying aside the subject at present, and if a rupture with England should ensue, he would then recommend, at once, a *direct tax*, and that these excise acts should be entirely thrown aside. If there was no war, he believed that no new taxes were required, let the matter, therefore die, as to the present. He disapproved the principle of the tax, and should, on that account, think himself justified in voting against it.

Mr. GILLON rose, and replied to several gentlemen, who were for the excise on tobacco, snuff, and loaf and lump sugar; and observed, that he had partly obtained his object, by drawing gentlemen forward, with the calculations which had been kept back. But as the gentlemen, after having, by their own account, been three months on this subject, avowed that his request of detailing those large sums came rather unexpected, and that they wished to have more time to make their calculations, he had not much objection to let this bill have a second reading; but he hoped they would be accurate, in proportion to the time taken to preface them. As to the idea of our general taxes not taking place until the first of next March, that had no weight with him; because he knew

the Civil List for the year was not all then due, nor would all the sum for military and naval preparations be to be paid down, the day the ore was dug for the guns, nor on the day that the first tree was cut to begin the frigates.

He agreed that the deficiency might arise on the supplies now due, for the terms which the gentlemen had assigned by the plunder of our merchants' property. He was happy to find that gentlemen had not lost sight of the serious applications they had received from that respectable and utile body (the merchants) for redress; and he should take care to remind gentlemen of their own observations, when the requests of the merchants were brought forward, as it was clear something must be done, either by restitution on the debts to be sequestered, a loan for them under the guarantee of the Union, or by prolonging the time to a remote period, of paying the duties that they owed. He was accused of making *wonderful discoveries*, of making calculations not founded in truth. The latter he denied, for, if there is any untruth in them, it cannot be on his side, but must have arisen from the Committee; therefore, to them be the untruth applicable, as he did not make use of a figure but what they placed in their report.

He still retained his opinion, that surplus revenue was dangerous in the hands of any Government. What did they want to do with it? He hoped nothing else but to buy up the national funded debt as cheap as they could, which act was pardonable, only by the intent, he presumed, they must feel of at last doing justice to our late armies. His meaning was, that the profits arising from this speculation should be kept as a sacred deposit, out at interest, and that interest to be employed towards paying off the interest due on the principal losses which our brave officers and soldiers had met with, by being obliged to part with their shares of pay at a very inferior value. This you may better pay to patriotism and misfortune, than pay to speculators.

MR. TRACY. If I have said what is alleged, the language is too indecorous to be used by me, to any gentleman on this floor. If anything of that kind has escaped from me, I am ready to ask the gentleman's pardon. I have the highest respect for his character.

And the question was then put, Shall this bill be rejected? it passed in the negative—yeas 31, nays 36, as follows:

YEAS.—Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William Findley, William B. Giles, Alexander Gillon, Andrew Gregg, Daniel Heister, William Lyman, Nathaniel Macen, James Madison, Joseph McDowell, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Josiah Parker, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Thomas Tredwell, Abiah Venable, Francis Walker, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, Theodorus Bailey, Abraham Baldwin, John Bently, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson,

Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, Francis Malbone, Alexander Mebane, William Vans Murray, Alexander D. Orr, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Israel Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trembitt, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Benjamin Williams.

The said bill was then read the second time, and ordered to be committed to a Committee of the Whole House on Wednesday next.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

The said bill was then read the third time, and passed.

Ordered, That the report of the Secretary of the Treasury on the representation of the Legislature of the State of Kentucky, concerning the expenses of certain expeditions carried on against the Indians since the year one thousand seven hundred and eighty-five, which lay on the table, be referred to Mr. GREENUP, Mr. HILLHOUSE, and Mr. VENABLE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

MR. TALBOT, from the committee appointed, presented a bill to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States; which was twice read, and committed.

MR. LYMAN, from the Joint Committee appointed to consider and report what further business is necessary to be done during the present session, and at what time it will be proper to adjourn the same, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the motion of the 12th instant, directing the Secretary of the Treasury to furnish the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the individual States and the United States, which lay on the table: Whereupon,

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the PRESIDENT OF THE UNITED STATES be requested to cause such of the Executives of the several States as may apply for the same, to be furnished with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts

MAY, 1794.]

Augmentation of the Army.

[H. OF R.]

between the United States and the individual States.

AUGMENTATION OF THE ARMY.

The House resolved itself into a Committee of the Whole House on the bill to augment the military force of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made amendment thereto; which was read, as follows:

Strike out the first section of the bill, in the words following, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be raised, for the term of — years, or during a war which may break out between the United States and any European Power, an additional military force, consisting of twenty-five thousand non-commissioned officers, privates, and musicians, together with a proper proportion of commissioned officers of all grades, respectively, according to the present Military Establishment of the United States:"

And on the question that the House do agree with the Committee of the Whole House in the said amendment, it was resolved in the affirmative.

A motion was then made and seconded to amend the said bill, by inserting, in lieu of the section stricken out, the following section, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be raised, upon the terms and conditions hereafter mentioned, an additional provisional military force, to consist of — non-commissioned officers, privates, and musicians, together with a proper portion of commissioned officers:"

It passed in the negative—yeas 30, nays 50, as follows:

YEAS.—Fisher Ames, John Beatty, Benjamin Bourne, David Cobb, Peleg Coffin, Jonathan Dayton, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Benjamin Goodhue, James Gordon, James Hillhouse, William Hindman, Amasa Learned, Richard Bland Lee, Francis Malbone, William Vans Murray, Theodore Sedgwick, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeek, Jeremiah Wadsworth, and John Watts.

NAYS.—James Armstrong, Theodoras Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, William Findley, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Henry Glenn, Christopher Greenup, Andrew Gregg, William Barry Grove, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Francis Preston, Robert Lutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Richard Winn, Benjamin Williams, and Joseph Winston.

And then the question being put that the said bill, as amended, be engrossed and read the third

time, it passed in the negative. And so the said bill was rejected.

TUESDAY, May 20.

Mr. CARNES, from the committee appointed, presented a bill for the more effectual protection of the Southwestern frontier settlers; which was read twice and committed.

Ordered, That a committee be appointed to report a bill to regulate the mode in which American seamen may be furnished with evidence of citizenship, for the purpose of protecting them against impressment in foreign service; and that Mr. MURRAY, Mr. TRACY, and Mr. GILLON, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill granting relief to James Bell; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. And, on the question that the said bill be engrossed and read the third time, it passed in the negative. And so the said bill was rejected.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

In the communications which I have made to Congress during the present session relative to foreign nations, I have omitted no opportunity of testifying my anxiety to preserve the United States in peace. It is peculiarly, therefore, my duty, at this time, to lay before you the present state of certain hostile threats against the territories of Spain in our neighborhood.

The documents which accompany this Message develop the measures which I have taken to suppress them, and the intelligence which has been lately received.

It will be seen from thence that the subject has not been neglected; that every power vested in the Executive on such occasions has been exerted; and that there was reason to believe that the enterprise projected against the Spanish dominions was relinquished.

But it appears to have been revived upon principles which set public order at defiance, and place the peace of the United States in the discretion of unauthorized individuals. The means already deposited in the different departments of Government are shown, by experience, not to be adequate to these high exigencies, although such of them as are lodged in the hands of the Executive shall continue to be used with promptness, energy, and decision, proportioned to the case. But I am impelled, by the position of our public affairs, to recommend that provision be made for a stronger and more vigorous opposition than can be given to such hostile movements under the laws, as they now stand.

G. WASHINGTON.

UNITED STATES, May 20, 1794.

The Message and papers were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to compensate Arthur St. Clair; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

H. OF R.]

Proceedings.

[MAY, 1791.]

It was then moved and seconded to amend the said bill at the Clerk's table, by striking out the second clause, in the words following, to wit:

"That he be further allowed at the rate of — dollars per day, from the tenth day of June, one thousand seven hundred and eighty-eight, to the — day of May, one thousand seven hundred and eighty-nine, being the time he was employed in the business of Indian treaties, and till the delivery of the said treaties to the President of the United States:"

And on the question thereupon, it passed in the negative—yeas 25, nays 55, as follows:

YEAS.—Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Joshua Coit, Jonathan Dayton, George Dent, James Gordon, George Hancock, James Hillhouse, John Hunter, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Anthony New, John Nicholas, Nathaniel Niles, Francis Preston, Israel Smith, Zephaniah Swift, Uriah Tracy, Thomas Tredwell, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, Theodorus Bailey, John Beatty, Elias Boudinot, Lambert Cadwalader, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Isaac Coles, William J. Dawson, Henry Dearborn, William Findley, Thomas Fitzsimons, Ezekiel Gilbert, William B. Giles, Alexander Gillon, Nicholas Gilman, Henry Glenn, Christopher Greenup, Andrew Gregg, Samuel Griffin, William B. Grove, Thomas Hartley, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, William Montgomery, Peter Muhlenberg, William Vans Murray, Joseph Neville, Alexander D. Orr, Josiah Parker, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, John Smilie, Jeremiah Smith, Silas Talbot, George Thatcher, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Francis Walker, Artemas Ward, John Watts, and Richard Winn.

Another motion was then made and seconded to amend the said bill, by striking out, in the third clause, the words "for a negro killed in defence of the public stores, the sum of two hundred dollars." And on the question thereupon, it was resolved in the affirmative.

Ordered, That the said bill, as amended, be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; and, after some time spent therein, the Committee rose and reported progress.

WEDNESDAY, May 21.

An engrossed bill to compensate Arthur St. Clair was read the third time and passed, by the following vote:

YEAS.—Fisher Ames, James Armstrong, Theodorus Bailey, Abraham Baldwin, John Beatty, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, William Findley, Thomas Fitzsimons, Ezekiel Gilbert, William B. Giles, James Gillespie, Alexander Gillon, Andrew Gregg, Samuel Griffin, William Barry

Grove, Thomas Hartley, Daniel Heister, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Montgomery, Peter Muhlenberg, William Vans Murray, Joseph Neville, Alexander D. Orr, Josiah Parker, Thomas Scott, Theodore Sedgwick, John S. Sherburne, John Smilie, William Smith, Silas Talbot, George Thatcher, Jonathan Trumbull, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Richard Winn—50.

NAYS.—Thomas Blount, Thomas Claiborne, Joshua Coit, William J. Dawson, Jonathan Dayton, George Dent, James Gordon, George Hancock, James Hillhouse, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Anthony New, John Nicholas, Nathaniel Niles, Francis Preston, Israel Smith, Zephaniah Swift, Uriah Tracy, Thomas Tredwell, John E. Van Allen, Francis Walker, Benjamin Williams, and Joseph Winston—27.

The House resolved itself into a Committee of the Whole House on the bill to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-day.

MR. CLARK, from the committee appointed, presented a bill to alter the time for the next annual meeting of Congress; which was read twice, and ordered to be engrossed and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be read the third time, it passed in the negative—yeas 40, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, David Cobb, Peleg Coffin, William J. Dawson, Henry Dearborn, William Findley, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, Peter Muhlenberg, William Vans Murray, Josiah Parker, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, and Richard Winn.

NAYS.—James Armstrong, Theodorus Bailey, John Beatty, Thomas Blount, Gabriel Christie, Thomas Claiborne, Abraham Clark, Joshua Coit, Isaac Coles, George Dent, William B. Giles, James Gillespie, Benjamin Goodhue, Christopher Greenup, George Hancock, James Hillhouse, John Wilkes Kittera, Matthew Locke, William Lyman, Nathaniel Macon, Joseph McDowell, Alexander Mebane, William Montgomery, Joseph Ne-

MAY, 1794.]

Proceedings.

[H. OF R.]

ville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Francis Preston, John S. Sherburne, Jeremiah Smith, Israel Smith, Zephaniah Swift, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Artemas Ward, Benjamin Williams, and Joseph Winston.

Resolved, That the said bill be rejected.

An engrossed bill to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States, was read the third time and passed.

An engrossed bill to alter the time for the next annual meeting of Congress was read the third time and passed.

Resolved, That the PRESIDENT of the Senate and the SPEAKER of the House of Representatives be authorized to close the present session, by adjourning their respective Houses on the third day of June next.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The House again resolved itself into a Committee of the Whole House on the bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; and, after some time spent therein, the Committee rose and reported progress.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives.

I lay before you, in confidence, sundry papers, by which you will perceive the state of affairs between us and the Six Nations, and the probable cause to which it is owing; and, also, certain information, whereby it would appear that some encroachment was about to be made on our territory by an officer and party of British troops. Proceeding upon a supposition of the authenticity of this information, although of a private nature, I have caused the representation to be made to the British Minister, a copy of which accompanies this Message.

It cannot be necessary to comment upon the very serious nature of such an encroachment, nor to urge that this new state of things suggests the propriety of placing the United States in a posture of effectual preparation for an event which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us.

G. WASHINGTON.

UNITED STATES, May 21, 1794.

The said Message and papers were read, and ordered to be committed to the Committee of the Whole House on the state of the Union.

THURSDAY, May 22.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying duties on stamped vellum, parchment, and paper; which was read twice and committed.

Mr. BALDWIN, from the committee appointed to examine into the state of the Treasury Department, and to report generally and specially thereupon, made a report; which was read and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

A message from the Senate informed the House, that the Senate have disagreed to the resolution of this House for furnishing the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the United States and the individual States. The Senate have agreed to the resolution of this House, authorizing the PRESIDENT of the Senate and SPEAKER of the House of Representatives to close the present session by adjourning their respective Houses on the third day of June next.

The SPEAKER laid before the House a Letter from the Attorney-General accompanying a table of costs and fees for the Courts of the United States, made in pursuance of the resolution of this House, of the eleventh of January, one thousand seven hundred and ninety-three; which were read, and ordered to be referred to Mr. BOUDINOT, Mr. WILLIAM SMITH, and Mr. KITTEBA.

FRIDAY, May 23.

Mr. LYMAN, from the committee to whom was referred the petition of sundry inhabitants of Salem, Beverly, and Danvers, in the State of Massachusetts, made a report. Whereupon,

Resolved, That the bounty allowed by law to vessels employed in the bank or cod fisheries of the United States, in lieu of a drawback of the duty on salt, be extended to, and include all vessels of more than thirty, and not exceeding seventy tons admeasurement.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. LYMAN, Mr. WINGATE, and Mr. HOLTEN, do prepare and bring in the same.

Mr. NEVILLE, from the committee to whom was recommitted the bill to amend the act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota," reported an amendatory bill; which was read twice and referred.

Mr. FITZSIMONS, from the committee to whom was referred the motion of the twelfth instant, for the acceptance of a cession by the State of New York, of a piece of land at Montauk Point; also, the exemplification of an act of the Legislature of the said State, transmitted by a written Message from the PRESIDENT OF THE UNITED STATES of the twenty-seventh of February, one thousand seven hundred and ninety-three, made a report; which was read, and ordered to lie on the table.

II. OF R.]

Non Intercourse with Great Britain—Tobacco and Sugar Duties.

[MAY, 1794.]

The House proceeded to consider the amendments reported yesterday, by the Committee of the Whole House, to the bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas, and the same being twice read, were, on the question severally put thereupon, agreed to by the House.

The said bill was then further amended, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate and
of the House of Representatives :*

I lay before you the copy of a Letter from the Minister Plenipotentiary of his Britannic Majesty, in answer to a Letter from the Secretary of State, communicated to Congress yesterday; and also, the copy of a Letter from the Secretary, which is referred to in the above mentioned Letter of the Minister.

G. WASHINGTON.

UNITED STATES, May 23, 1794.

The said Message and papers were read, and ordered to lie on the table.

Ordered, That a committee be appointed to prepare and bring in a bill or bills allowing further compensation for the services of Robert Forsyth, late Marshal of the District of Georgia; and that MR. BALDWIN, MR. CLAIBORNE, and MR. CADWALLADER, do prepare and bring in the same.

NON-INTERCOURSE WITH GREAT BRITAIN.

On a motion made and seconded that the House do come to the following resolution :

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That, until the Government of Great Britain shall make or give satisfactory assurances to the President of the United States of their intention to make full and ample compensation for all injuries done by the ships of war and privateers of that nation, to the citizens of the United States, since the eighth day of June last, all commercial intercourse between the United States and the islands and colonies of the British King in the West Indies, and on the Continent of America, shall be prohibited; and during the continuance of such prohibition, no ship or vessel, owned wholly or in part, by any subject of the King of Great Britain, shall be allowed to load in, or sail from, any port in the United States, with any article or articles of provision :

The previous question was called for by five members, to wit : "Shall the main question to agree to the said resolution be now put?" And, on the previous question, "Shall the said main

question be now put?" it passed in the negative—yeas 24, nays 46, as follows :

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, James Gillespie, Alexander Gillon, Christopher Greenup, John Hunter, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Melane, Joseph Neville, Anthony New, Andrew Pickens, John Smilie, Francis Walker, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Benjamin Bourne, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Andrew Gregg, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Lyman, Francis Malbone, William Montgomery, Peter Muhlenberg, John Nicholas, Nathaniel Niles, Josiah Parker, Francis Preston, Thomas Scott, Theodore Sedgwick, John S. Sherburne, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Philip Van Cortlandt, Peter Van Gaasbeck, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts.

TOBACCO AND SUGAR DUTIES.

The House went into a Committee, MR. TRUMBULL in the Chair, on the bill for an excise on tobacco, snuff, and refined sugar.

In the first section it was agreed to strike out the words, "tobacco and." This proposed that the word tobacco be struck out in every subsequent part of the bill, so that the duty be confined to the manufacture of snuff.

MR. MUHLENBERG (the SPEAKER) moved to strike out the second section, viz : "that from and after the — day of — there be levied, collected, and paid, upon all sugar which shall be refined within the United States, a duty of two cents per pound."

He would not trouble the Committee with any comments on the excise, enough having already been said on that subject; although he could not forbear mentioning, that in England, where almost every thing was subject to an excise, and where the Minister is ever on the watch to discover new articles for that purpose, that loaf sugar had never yet been taxed, the Committee on Ways and Means had all the credit of the seasonable discovery. The reason for not attempting an excise on this article was obvious, because the manufacture employed a greater quantity of shipping than any other, they therefore rather wished to encourage than to depress it; the former of which they effectually do, by allowing a generous drawback on exportation of refined sugar, for which the different ports of the Continent afford them a constant and ready market. The case was widely different here. The manufacture is yet in its infant state—it has to contend with the old established ones in Europe, who have larger capitals and can afford longer credits, whereas we have not only no market to export it to, but even now already, can annually make a quantity more than

MAY, 1794.]

Sugar and Tobacco Duties.

[H. OF R.]

sufficient for the consumption of the United States. It is true, it appears from the last returns, that upwards of 200,000 lbs. of refined sugars were imported last year, which is about the same quantity which two houses might furnish in one year, but it is to be observed, that owing to the high price of raw sugars, some establishments were not worked at all, whilst others did not work above eight or nine months in the year, and I will here, said Mr. M., venture to assert, that if this duty of two cents actually takes place, some of those who are now engaged in this difficult and expensive business will abandon it and turn their capitals into other channels. I do not stand alone in this opinion, others, of more experience join me, and it is founded on the following incontrovertible facts. Raw sugars have for several years past been so high, that refined sugars naturally bore an equally high price. This has already lessened the consumption, to a considerable degree in the United States, and from the present prospect before us, when the French islands are in the hands of the British, the probability is, that they will rather be higher than lower; and if the two cents be added to the present high price of refined sugars, the consumption will still be lessened in the same proportion as the price of the article increases. This observation is founded on facts, which every person concerned in the business has felt, and daily experiences; nay, it can be proved, however strange it may appear, that a less quantity of refined sugar is consumed at present in the United States, than a year or two before the Revolution. Again, owing to the high price of refined sugars, and which must still be higher when this duty takes place, many even of our opulent families, have, in a great degree, abandoned the use of it, and substituted the white Havana, or the white East India sugar. I well remember a remarkable instance of this kind which took place not many months ago in this city. A gentleman having imported a considerable quantity of white East Indies sugar, sold it to the refiners of this place. Before the sale was concluded, he reserved a quantity for himself and an opulent friend of his. The consequence was that neither himself nor his friend, used half the quantity of refined sugar they had used the year before.

Permit me to add another circumstance. Sugars are higher at present, and from a variety of circumstances must continue to be higher here than in England, and although an additional duty on imported loaf and lump sugar may take place, unless it exceeds what I have yet heard mentioned they will be able to undersell the manufacturers here, and this from the single circumstance of their being allowed a drawback of 26s. sterling per cwt., for if even a drawback of the same sum was allowed us here, which is not to be expected, it cannot operate, because we have no market for this article. In the West Indies, it is well known to be contraband, and to transport it to Europe, would be carrying water into the ocean, and even then it could not be accomplished on as low terms as the Europeans can afford to do it.

One fact more, equally incontrovertible, suffer

me to add. By the additional duty on coal, which I am far from disapproving, because I wish to encourage the consumption of our home productions, you have, in fact, laid an additional tax on sugar. Every work of this kind consumes annually from 2,000 to 4,000 bushels. This article was heretofore at the rate of eleven pence or one shilling per bushel; owing to the duty on imported coal, it has now risen to 2s. to 2s. 4d. This naturally enhances the price of the article made in this manufacture, which is already burdened to a considerable degree with taxes or duties. Thus, there is a duty on the raw material, a duty on the paper they use, a duty on the twine, a duty on the coal, and, to crown all, a duty is intended on the article produced in this devoted manufacture. If it is thus my friend from Connecticut means to do us good, or if this is the decided encouragement and protection my colleague means to yield us, it is such a one as I am sure the manufacturer will not thank him for.

Sir, I could add that this bill partakes strongly of the nature of a sumptuary law; that in case of a war it will not produce you any revenue, because the supplies of the raw material are too irregular, and no other but imported sugar is refined, which already pays a duty—and that by this duty you not only lessen the consumption, but also increase the number of those who cannot pay for it: but I forbear to trespass any longer on the patience of the Committee on this subject.

But, Mr. Chairman, we want money to build our frigates and arsenals, to fortify our ports and harbors, and to release our unfortunate brethren in captivity. We want revenues. If this really be the intention of the Committee, and not merely to establish the principle of excise on home manufactures, no one will join more cheerfully in such measures as shall appear most prudent and most likely to obtain the object, and which, in my opinion, will neither injure the commerce of this country, nor in an equal degree the manufactures, nor indeed the poorer sort of the community who consume the article of sugar.

By the last returns which I could lay my hands on, it appears that there are annually imported into the United States upwards of twenty-five millions of pounds of sugar, and from the same returns it appears that about four or four and a half millions are exported, which are allowed a drawback of the duty on exportation; thus then there are upwards of twenty millions of pounds annually consumed in the United States.

You have, in the late impost bill, imposed an additional duty of one cent per pound on coffee: half that sum additional duty on raw sugar will yield you upwards of 100,000 dollars. This then will at once yield you the sum which the Committee expected from an excise both on sugar and manufactured tobacco, and will neither injure the merchant, nor in an equal degree the manufacturer, nor indeed the poor; the latter, and in my opinion none but the idle can be so, as well as many others, have long since substituted molasses for all the purposes for which they heretofore used sugar; besides which the American sugar is daily getting

H. of R.]

Tobacco and Sugar Duties.

[MAY, 1794.]

more into use, and bids fair to become general, at least at and near the frontiers.

When, therefore, it is considered that this manufacture is yet in its infancy in the United States, that it has to contend with the old established ones in Europe, that there is no excise on this article in England, that this manufacture employs a great quantity of tonnage; that raw sugars are high here, and comparatively low in Europe, that there is a drawback in England, which operates as a bounty, and which from local situations cannot operate if even granted, with the same advantage here; when it is reduced to a certainty that the duty will operate injuriously on the manufactures here; and when it appears that double the sum can be raised by a trifling additional duty on raw sugar, without any additional expense or inconvenience, and which will effectually remove the evils complained of, I flatter myself the motion will prevail.

Mr. FITZSIMONS objected to the proposal of the SPEAKER, for a tax of half a cent per pound on common sugar imported. The unrefined sugar formed a considerable portion of the subsistence of the poor. Formerly, the price of it was not more than six pence (currency,) but it is now twelve pence, per pound. The coffee duty was another, to which Mr. F. had felt reluctance, because coffee is an article of universal consumption, and the tax upon it falls where taxes ought not to fall, that is upon the poor; but there is no help for it. He would, if possible, have avoided this tax, for coffee, formerly eleven pence or a shilling per pound, has risen to one shilling and ten pence. Mr. F. said, that we are able to lay a heavy enough tax on imported sugar, effectually to protect our own sugar refiners. It had been said that the two cents per pound of duty would make it requisite for the refiners to augment their capitals. This he could not believe, because the Executive gives credit to the manufacturers for the payment of the duty. Mr. F. said, that the time was perhaps not distant, when we shall be obliged to seek sugar in the East Indies. Britain has acquired the West Indies, which will increase the difficulties of this country in obtaining it from that part of the world.

Mr. M'DOWELL hoped that the section would be struck out. He objected to the principle of the bill. He considered it as highly impolitic to tax the infant manufactures of America. He would rather, if the Public Treasury could afford it, give a premium for the encouragement of our manufactures, to dissolve the dependence of the United States upon Europe. This dependence of ours has repeatedly been urged as a reason why the House ought not to adopt certain commercial regulations and restrictions. Some gentlemen had undertaken to prove that the manufacturers would be benefited by such laws, an assertion which he considered as very extraordinary. The manufacturers themselves understood their business best, and thought quite otherwise. This tax will not only alarm those already engaged, but will prevent other men of enterprise and capital from engaging in manufactures, when they find that the mo-

ment their business becomes profitable, they are to be taxed.

He could not help remarking upon some observations that fell from his friend, [Mr. BALDWIN, from Georgia,] when this subject was before the Committee some days ago. It had been objected that the bill was not well founded, as it established a new principle; and the member [Mr. BALDWIN,] replied, that it was not new, as there was already an excise fixed on ardent spirits. He had opposed that law, but since it was passed, he could not object to the present bill. Had the gentleman reflected, he would have seen that there was equal reason for resisting this bill, because it fixed that obnoxious principle more strongly, by giving a further sanction to an American excise. Mr. M'D. also considered the tax to be unnecessary. The tax was contemplated on the prospect of a war which has now become less likely, the British having, since the Orders of the 8th of January, relaxed their depredations. Further, the tax was unnecessary, because, it was asserted by several very well informed merchants, that the amount of the impost this year would exceed that of the last.

On dividing, the motion for striking out the clause was rejected—Ayes 31, nays 15.

Mr. MULLENBERG then stated a variety of inaccuracies in the wording of the bill. The word boiler was applied, as if it meant a pot for boiling the sugar. The word meant the superintendent of the operation, and Mr. M. presumed that the House did not intend to treat him, as specified in the bill. He wrote over the whole clause anew, and his alterations were agreed to.

The Committee rose, and the Chairman reported the amendments to the House, which were agreed to.

Ordered, That the said bill, with amendments, be engrossed, and read the third time to-morrow.

SATURDAY, May 24.

An engrossed bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina, was read the third time and passed.

An engrossed bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas, was read the third time and passed.

An engrossed bill, laying certain duties upon manufactured tobacco and refined sugar, was read the third time and passed.

The SPEAKER laid before the House a Letter from Arthur St. Clair, Governor of the territory of the United States Northwest of the river Ohio, enclosing a letter from him to the Secretary of War, and the answer thereto, respecting a claim for three horses killed in the action with the Indians, on the fourth of November, one thousand seven hundred and ninety-one; which were read, and ordered to lie on the table.

Mr. BALDWIN, from the committee appointed, presented a bill to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia; which was read twice and referred.

MAY, 1794.]

Tobacco and Sugar Duties—The Embargo.

[H. OF R.]

Ordered, That the report of the committee to whom was referred the Message from the **PRESIDENT OF THE UNITED STATES**, of the eighteenth of March last, relative to an advance of money requested by the Minister of the French Republic, which lay on the table, be committed to a Committee of the Whole House on Monday next.

Mr. FINDLEY, from the committee to whom were referred the laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred ninety-two, made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to continue in force the act for the relief of persons imprisoned for debt." The Senate have also passed a bill, entitled "An act further extending the time for receiving on loan the Domestic Debt of the United States;" to which they desire the concurrence of this House.

The said bills were severally read twice, and ordered to be read the third time on Monday next.

An engrossed bill, laying certain duties upon manufactured tobacco and refined sugar, was read the third time and passed.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to authorize the **PRESIDENT OF THE UNITED STATES**, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States." The Senate have also passed a bill, entitled "An act for extending the benefit of a drawback and terms of credit in certain cases, and for other purposes;" to which bills they desire the concurrence of this House.

The said bills were severally read twice and referred.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying duties upon carriages for the conveyance of persons; which was read twice, and committed.

Mr. MADISON moved, that a late Message from the **PRESIDENT**, which had been referred to a select committee, be referred to a Committee of the Whole House. The Message was relative to an advancement of money to the Ambassador of the Republic of France. Some time ago, it had been found that there was no money in the Treasury, but what had been appropriated. There is now money unappropriated. This Message was made the order of the day for Monday next.

Mr. McDOWELL laid on the table a resolution, instructing the Secretary of the Treasury to lay before the House, on the second Monday after the meeting of the next session of Congress, a statement of the balances remaining due from individuals to the United States, distinguishing between those due under the late, and the present Government, and whether any, and what steps, have been taken to recover the same; and also a statement of the sums of public money intrusted to the hands of individuals under the late Government, which have not been accounted for.

SNUFF AND SUGAR DUTIES.

The House then took up the bill for laying a duty on snuff and refined sugar. Several clauses were discussed. It was moved that the bill be re-committed to a Committee of the Whole House. Agreed. The House went into a Committee immediately—Mr. PARKER in the Chair. After some conversation, the Chairman reported the bill to the House, without amendment.

THE EMBARGO.

Mr. GILLOX rose and adverted to the correspondence that had been read yesterday, between Mr. RANDOLPH and Mr. HAMMOND. He had been called on by five shipmasters with a petition to Congress, which was read by the Clerk, and ordered to lie on the table.

Mr. G. then made a motion for the renewal of the Embargo. For this, he assigned several reasons.

Mr. GOODRUS wished for an immediate discussion of this question. A resolution of the same nature had some time ago received the consideration of the House. He supposed that it had been considered thus early, in order that it might reach the distant parts of the Union. He was then in the small minority for continuing it, but a great majority of the House were of a different opinion. In consequence of that decision, he took it for granted that the merchants had made their arrangements, and it appeared to him, to be somewhat trifling with them, under such circumstances, to make this proposal, and especially as the present Embargo expires to-morrow. It will be impossible for us now to renew it so as to prevent the vessels of the Union from going out, unless it be from the port of Philadelphia.

Mr. CLARK was for deferring the discussion till Monday. The captains of the vessels can, in the meantime, if they please, embargo themselves.

Mr. BOUDINOT was against it at present. It would have been much better to have continued it. It would be unequal to lay it on here to day, while vessels at the same time would be sailing from New York.

Mr. PARKER felt it impossible to form a judgment on this question so suddenly. It was perhaps as important a one as had ever come before that House. He wished to have time to think of it. At present, he could not venture to give an opinion.

Upon this, Mr. GILLOX, with leave of the House, withdrew his motion, with the intention of renewing it on Monday.

MONDAY, May 26.

The bill sent from the Senate, entitled "An act to continue in force the act for the relief of persons imprisoned for debt," was read the third time, and passed.

The bill sent from the Senate, entitled "An act further extending the time for receiving on loan the Domestic Debt of the United States," was read the third time and passed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Message from the **PRE-**

H. OF R.]

Stamp Duties—Soldiers' Land Titles.

[MAY, 1794.]

SIDENT OF THE UNITED STATES of the eighteenth March last, relative to an advance of money requested by the Minister of the French Republic; and, after some time spent therein, the Committee rose and reported progress.

Resolved, That the Secretary of the Treasury lay before this House such information, respecting any loans negotiated in Europe for the United States, as he may be possessed of, and which has not already been laid before the Legislature, and the purposes to which they stand appropriated.

STAMP DUTIES.

The House resolved itself into a Committee of the Whole House on the bill laying duties on stamped vellum, parchment, and paper; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House. And, on the question that the said bill be engrossed, and read the third time, it was resolved in the affirmative—yeas 44, nays 35, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Jonathan Dayton, Henry Dearborn, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William B. Grove, Thomas Hartley, James Hillhouse, William Hindman, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Montgomery, William Vans Murray, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Artomas Ward, John Watts, and Richard Winn.

NAYS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Barnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William Findley, William B. Giles, Alexander Gillon, Nicholas Gilman, Andrew Gregg, Daniel Heister, William Lyman, Nathaniel Macon, Francis Malbone, Joseph M'Dowell, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Josiah Parker, Robert Rutherford, John Smilie, Israel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, and Joseph Winston.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act authorizing a settlement of certain expenses of the Commissioners of Loans." The Senate have also passed a bill, entitled "An act allowing an additional compensation to the principal Clerks in the Department of State, and in the Treasury and War Departments, for the year one thousand seven hundred and ninety-four;" to which bills they desire the concurrence of this House.

The said bills were severally read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill to amend the act,

entitled "An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

The Commissioners of his Catholic Majesty having communicated to the Secretary of State the form of a certificate, without which the vessels of the United States cannot be admitted into the ports of Spain, I think it proper to lay it before Congress.

G. WASHINGTON.

UNITED STATES, May 26, 1794.

The said Message and certificate were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill providing for the payment of the second instalment due on a loan made of the Bank of the United States; and, after some time spent therein, the Committee rose and were discharged from the further consideration of the bill, and it was recommitted to Mr. SEDGWICK, Mr. GILES, and Mr. MONTGOMERY.

TUESDAY, May 27.

SOLDIERS' LAND TITLES.

The bill respecting the settlement of the officers and soldiers of the Virginia line on the Territory Northwest of the Ohio, being read the third time,

Mr. BALDWIN objected to the passage of this bill, as a total departure from the former principles of the old Congress on this question. He had many reasons for opposing it. He was sorry that he had not done so yesterday, when it was before a Committee of the Whole. He recommended, in place of this bill, that there should rather be provisions correcting the former proceedings on the subject.

Mr. NICHOLAS replied, that gentlemen divide their efforts so strangely, that business cannot be got through. The member had not examined the bill, or he must have seen that his objections never would apply. By it, the public never could be defrauded of an acre of land. As far as the officers and soldiers cannot be provided for on the Southwest side of the Ohio, they must have settlements on the Northwest. There is not room for them on the former side, and therefore they must be settled on the other. There was no reason to doubt the propriety of this measure. He enlarged on the necessity for this allocation, and on the security which the public had of their not being defrauded.

MAY, 1794.]

Stamp Duties.

[H. OF R.]

Mr. BALDWIN repeated his reasons for disapproving of the bill, and attempted to demonstrate that there was no satisfactory evidence of necessity for granting this second allocation of lands. He was convinced that there had been a total departure from the old principles. If there was not a great hurry about the bill, he could wish it to be deferred.

Mr. CLARK did not think the checks in the bill sufficient. He specified certain descriptions of persons, who might get lands to which they were not entitled.

Mr. NICHOLAS read a part of the bill to show that there could be no imposition. Here is a plain law, which no man's understanding can depart from. There was not the shadow of a pretence to object to this bill. The old Congress did acknowledge the necessity for such a location as was now proposed, because, without it, there was not a sufficiency of land. A passage from the proceedings of the old Congress, which Mr. N. read, stated the absolute necessity for it.

Mr. VENABLE said, that many of these settlers had already spent more time and money in prosecuting these claims, than the lands themselves, if they should at this moment receive them, were worth. He was for the bill.

Mr. RUTHERFORD was on the same side of the question. He said that three hundred of the persons in question had settled themselves on the Northwest of the Ohio, and wanted the rights to their respective lands.

Mr. FITZSIMONS also recommended the passing of the bill.

Mr. GILES.—Much had been said about the survey of these lands, as if it had not been accurate. He knew the gentlemen who had made it, and they were of the most respectable character. There was not in America, he believed, a better man than the gentleman who was at the head of it; so that it was entirely out of place to be coming forward now, and saying that the survey was wrong. An idea had gone abroad, that the North Carolina line was not completed, but the member affirmed that it has been so. Many will not be at the expense requisite for accepting of these lands and taking out of patents. The old law-quoted by his colleague [Mr. NICHOLAS] had acknowledged the survey to be right. Mr. G. himself once had a claim for some of these lands. But he would rather give it up than be at so much expense and trouble about it. This was a very hard case on many persons. They had sold their property on the old settled lands, went to the new allocation, in confidence on public faith, and now cannot get their rights. He hoped, therefore, that the bill would pass, or, that the gentlemen on the opposite side would show some other remedy for this grievance.

On putting the question, fifty-five gentlemen arose in favor of the bill. It accordingly passed.

STAMP DUTIES.

An engrossed bill, laying duties on stamped vellum, parchment, and paper, was read the third time, and on the question that the said bill do

pass, it passed in the negative—yeas 32, nays 50, as follows:

YEAS.—James Armstrong, John Beatty, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Alexander Gillon, Benjamin Goodhue, William B. Grove, Thomas Hartley, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, William Montgomery, William Vans Murray, Andrew Pickens, Theodore Sedgwick, Zephaniah Swift, George Thatcher, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Artemas Ward, and Richard Winn.

NAYS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Elias Boudinot, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, Henry Dearborn, William Findley, William B. Giles, Nicholas Gilman, Henry Glenn, George Hancock, Daniel Heister, Amasa Learned, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Jeremiah Smith, Israel Smith, William Smith, Thomas Sprigg, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, Philip Van Cortlandt, Abraham Venable, Jeremiah Wadsworth, Francis Walker, John Watts, Benjamin Williams, and Joseph Winston.

And so the said bill was rejected.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury, pursuant to the resolution of yesterday; which were read, and ordered to be referred to the Committee of the Whole House, to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 18th of March last, relative to an advance of money requested by the Minister Plenipotentiary of the French Republic.

Mr. SEDGWICK, from the committee to whom was recommitted the bill providing for the payment of the second instalment due on a Loan made to the Bank of the United States, made a report; which was read, and, together with the said bill, ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill laying duties upon carriages for the conveyance of persons; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

WEDNESDAY, May 28.

The House proceeded to consider the amendments reported yesterday, by the Committee of the Whole House, to the bill laying duties upon carriages for the conveyance of persons; and, the same being read, some were agreed to, and others disagreed to.

The said bill was then further amended, and,

H. OF R.]

Advance of Money to France.

[MAY, 1794.]

together with the amendments, ordered to be engrossed, and read the third time to-morrow.

Mr. MURRAY, from the committee appointed, presented a bill for the registration and protection of American seamen; which was read twice, and committed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying duties on licenses for selling wines and distilled spirituous liquors by retail; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill for the more effectual protection of the Southwestern frontier settlers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and on the question put thereupon, disagreed to by the House.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. SEDGWICK then moved that the House should take up the subject of the Bank instalments, as it would require but a few minutes;

Mr. GILES, the Message of the PRESIDENT, as to the application of the French Ambassador for money; and

Mr. McDOWELL the bill for the more effectual protection of the Southwestern Territory.

The three members rose all at the same time, and were each of them equally anxious for preference, in the priority of discussion. A preference was given to Mr. McDOWELL's motion. This bill had been frequently postponed, while the people for whose safety it is intended had been, during many years, liable to incessant alarm from the savages, and if anything was to be done at all, it was proper that it should be done now. The House resolved itself into a Committee on the bill, (Mr. PARKER in the Chair.) After some time spent therein, the Committee rose and reported an amendment to the bill, which was negatived in the House. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr. SEDGWICK then moved that the House go into a Committee on the bill providing for the payment of the second instalment due on the Loan from the Bank of the United States. Agreed to, (Mr. PARKER in the Chair.) After making some amendments, the Committee rose, and reported the same to the House.

ADVANCE OF MONEY TO FRANCE.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Message of the PRESIDENT OF THE UNITED STATES, of the 18th of March last, relative to an advance of money requested by the Minister of the French Republic.

Mr. GILES offered the following motion:

"Resolved, That the President of the United States be authorized and requested to apply the proceeds of the Loan of three millions of florins, lately obtained in Holland, towards the discharge of the debt remaining due to France; or to the protection and defence of the United States, if, in his opinion, the same should be

found necessary for that purpose, any appropriation to the contrary notwithstanding."

Mr. HILLHOUSE was of opinion, that, before any payments in advance should be made to the French Minister, it was proper to secure the indemnification of our own citizens, who had sustained such immense losses by the detention of their vessels in the ports of the Republic, both in Europe and the West Indies. Mr. H. here made a distinction, that if the term stipulated for payment of an instalment to France had actually arrived, he would have made that payment, though they had burnt our ships, and have sought redress in the ordinary way. But when they come forward before the money is due, and make such a requisition, he thought it a fair opportunity to secure the claims of American citizens.

Mr. NICHOLAS was in favor of the motion. He felt, as an American, that the cause of this country and of France were inseparably connected; and that giving the money to the Republic was equivalent to expending it in the service of the United States. He reminded the House of the indelible obligations of America to France. That Republic is now reduced to distress, as this country was when supported by the French arms. Every principle of humanity, of honor, of gratitude, and of justice, calls upon us to give that nation the most effectual support in our power.

Mr. FITZSIMONS.—The Americans have applied to M. Fauchet, for payment in this country. He has assured them that he cannot give it, but that he will inform the French Government of their application. They are satisfied to wait for the reply to the Minister, which is expected from Europe.

Mr. AMES remarked, that, as the three millions of florins had been loaned in Holland for the defence of this country, it would be something worse than imprudence to give it away for any other purpose. The cause of France does not depend on her receiving a million of dollars. She is in a much better situation to give us that sum, than we are to advance it for her. He did not think that, to keep our money to ourselves, and to bestow it upon France, were the same thing, nor did he believe that it would be so considered by the citizens of the United States. He could not approve the motion.

Mr. GILLON thought that, as to the claims of American citizens, a complete answer had been given by the member from Pennsylvania. If the merchants themselves are willing to wait for an answer from France, nobody else has any concern with the matter. He rejected the idea of not paying the money to the French until it was due, unless with a restriction in favor of the American claimants. The money due to France had been advanced by her in the time of our utmost distress. It was at present wanted for her own defence. To indulge us, indeed, she had formerly granted a longer time than she was obliged to grant for the repayment. But if necessity compelled her to solicit an abridgment of that indulgence, is it consistent with the feelings of honor and generosity, to refuse her such a request?

MAY, 1794.]

Tax on Carriages—Sundry Bills.

[H. OF R.]

Mr. WADSWORTH was too ill-informed upon this question, to know upon what side he ought to vote. Much had been said about the gratitude due from this country to France. We had been grateful, indeed, since we had suffered them for a long time past to plunder our vessels without making a complaint. He stated that the American property seized in the ports of France amounted to one million of dollars, and that taken by her in the West India Colonies, to four millions of dollars. Much of this property had been paid for in such a way, that the owners did not realize more than twenty-five per cent. of its value. The present application had been made a long time ago, and Mr. W. did not suppose that the French Minister could, at present, be in any want of the money. Since the time when he first sought for it, something had happened which altered the case. The greatest portion of specie in America is now at the command of M. Fauchot. There can be, therefore, no pretence for giving away this million of dollars on the plea of necessity. The Republic herself possesses, if we are to believe common fame, more cash than all the Kings in Europe; and though the story may be very greatly exaggerated, yet make allowance for exaggeration, and still her treasures are very great. No part of her misfortunes can be ascribed to the want of money. Matters so standing, he thought that it was our duty to make a halt, and begin to take some care of the interest of our fellow-citizens. As for gratitude towards the Republic, he felt as much of that sentiment as those who talked more about it than he did. But he had not learned any good reason why this money should be disposed of in this way; and he could not agree to vote so great a sum where he could not see the need.

Mr. BOURNE said, that the purposes for which it had been first asked, had been long since accomplished without it. The transportation of the emigrants of St. Domingo to France had been given as a reason for this request, but they were all gone already.

Mr. SEDGWICK and Mr. GOODHUE also spoke. The resolution was carried in the Committee, and reported to the House, where it was likewise carried; and it was

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. MADISON, Mr. BEATTY, and Mr. HEISTER, do prepare and bring in the same.

THURSDAY, May 29.

TAX ON CARRIAGES.

An engrossed bill, laying duties upon carriages for the conveyance of persons, was read the third time, and

Ordered, That the first section thereof be committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into a Committee of the Whole House, on the said section; and, after some time spent therein, the Chairman reported that the Committee had had the section committed to them under consideration, and

made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said section, as amended, be presently engrossed; and, the said section being accordingly brought in engrossed,

Mr. MADISON objected to this tax on carriages as an unconstitutional tax; and, as an unconstitutional measure, he would vote against it.

Mr. AMES said, that it was not to be wondered at if he, coming from so different a part of the country, should have a different idea of this tax from the gentleman who spoke last. In Massachusetts, this tax had been long known; and there it was called an excise. It was difficult to define whether a tax is direct or not. He had satisfied himself that this was not so. The duty falls not on the possession, but the use; and it is very easy to insert a clause to that purpose, which will satisfy the gentleman himself. Mr. MADISON had said that the introduction of this tax would break down one of the safeguards of the Constitution. Mr. A. really saw very little danger to the Constitution from it.

Mr. MADISON explained.

The said bill was then read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 49, nays 22, as follows:

YEAS.—Fisher Ames, James Armstrong, Theodorus Bailey, Abraham Baldwin, John Beatty, Benjamin Boutue, Thomas P. Carnes, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, William Barry Grove, Thomas Hartley, James Hillhouse, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, Alexander Mebane, William Vans Murray, Nathaniel Niles, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, Benjamin Williams, and Joseph Winston.

NAYS.—Thomas Blount, Gabriel Christie, Thomas Claiborne, William J. Dawson, William Findley, William B. Giles, Alexander Gillon, Daniel Heister, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Andrew Moore, Joseph Neville, John Nicholas, Alexander D. Orr, Josiah Parker, John Smilie, Thomas Sprigg, Abraham Venable, Francis Walker, and Richard Winn.

SUNDRY BILLS.

An engrossed bill for the more effectual protection of the Southwestern Frontier settlers was read the third time, and passed.

An engrossed bill providing for the report of the second instalment due on a Loan made of the Bank of the United States, was read the third time, and passed.

The House proceeded to consider the report of the committee to whom was referred the motion of the twelfth instant for the acceptance of a cession by the State of New York of a piece of land at Montauk Point. Whereupon,

Resolved, That the PRESIDENT OF THE UNITED

H. OF R.]

Non-Intercourse with Great Britain.

[MAY, 1794.]

STATES be authorized to receive cessions of land from any State to the United States, for the purpose of erecting light-houses or beacons, notwithstanding the jurisdiction of the State may be reserved, except so far as respects the real or personal property of the United States.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FITZSIMONS, Mr. BENJAMIN BOURNE, and Mr. TREDWELL, do prepare and bring in the same.

Mr. MADISON, from the committee appointed, presented a bill providing for the payment of a certain sum of money to the French Republic; which was read twice and committed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying duties on property sold at auction; which was read twice and committed.

NON-INTERCOURSE WITH GREAT BRITAIN.

Mr. GOODRICE moved, that the House resolve itself into a Committee of the Whole House, to take into consideration a bill empowering the PRESIDENT to lay on an Embargo, in the recess of Congress, if in his judgment the public exigencies should render it necessary.

The House accordingly went into a Committee, Mr. PARKER in the Chair. Some amendments were made, and reported, and the House took them up.

Mr. GILLON observed, that this bill afforded him an opportunity of expressing his acquiescence in the propriety of an Embargo, to be laid by the PRESIDENT, as exigencies should require. He was attached to the principle of the bill, and thought that every addition, which could be useful, ought to be ingrafted on it: he therefore embraced the present opportunity of bringing forward the resolution that he had laid upon the table on Saturday last, for a renewal of the Embargo. The motion was, in substance, that from and after the 10th day of June next, the Embargo shall be renewed. He thought that this motion was a matter that required a discussion, and an immediate decision, as many minds were aloft respecting it. It might be expected, that many remarks would be made in support of this clause being added to the bill; but, when gentlemen recollect that the principles of this measure must have been fully investigated when the question of an Embargo was first contemplated, and that in its renewal similar observations were made, he conceived that a repetition of these principles was unnecessary, as the session was closing. Yet, as some new matters had arisen, he would make some observations on them, in a very brief manner.

He had always held the doctrine, that, in many cases, the voice of their constituents ought to be the guide of the House. This case embraced that idea. He presumed that their constituents were as able to make observations, and to obtain information, as they were: therefore, when our constituents form an opinion, are not we, asked Mr. G., bound to listen to it? Ought we not to re-examine the case? Surely we ought; especially when our constituents publicly assemble together

on the subject, hold solemn debates, form resolves, publish them, and transmit them not only to their own Representatives, but having fully as much confidence in the Representatives of other States, transmit authenticated copies to them also—ought not the House to deem such actions very nearly verging to instructions? Possessed with this idea, Mr. G. said, that it became his duty to press forward a renewal of the Embargo, because the purpose for which it was first laid on had not been obtained, and because new informations are received of the condemnation of a large property, that we were in hopes would have been released by the Orders of the 8th of January, from the Court of London.

The House had been applied to by various meetings of their constituents, from one end of the Continent to the other, to continue the Embargo, and all approving of the former conduct of the Legislature in laying it on; and they had not been applied to by any persons, except some under this roof, to discontinue it. He called on gentlemen to come forward, as he should, with the information that they had all received from their constituents, either for or against the measure. This would bring forward the sense of the constituents, as well as of their Representatives; and having made this call, Mr. G. said, that he should now explain the sense of his own constituents thereon: they were expressed in the documents which he had produced to the House from a very respectable number of merchants in Charleston: they are further stated to you by the resolves of the meeting in Pinckney district, a very large district on the coast of South Carolina, which contains upwards of twenty-eight thousand white persons. How many were present Mr. G. knew not, but their resolves breathe an approbation of the Embargo and of its continuance, with an assurance of their determination to support our merchants in their just demand of restitution. Therefore, he should vote for the Embargo to be renewed on the 10th of June next, as supported by a member from New Jersey.

But other reasons occurred, when the subject was under discussion last week. It was observed, that a continuation of the Embargo might work an injury to our allies. He declared himself one of the last men who would hazard any step to injure the interest of our worthy allies, whose acts of friendship to us during the last war had perhaps proved the best props to our seats under this roof. But exceptions might be introduced, to qualify this clause in such a way as not to affect them, by permitting produce to be exported in American bottoms for the French Government, and, if necessary, under convoy. He observed, also, that as many of the French islands were lately captured by the British, no plea could be introduced for supplying them, unless we meant to hold out to the world that we were determined to do good for evil; that is, to furnish the conquerors with all which they needed, to enable them to recommence their depredations against our commerce; for, without our supplies, they could not keep their privateers out. The crops in

May, 1791.]

Invalid Pensions—Sundry Bills.

[H. of R.]

France were advancing; by which, with the late supplies gone and going from hence, he thought that our allies would not be in want. For these reasons, he did not see how the Embargo could operate as an injury to our allies. But, sir, said Mr. G., let us examine the situation of our merchants. They have applied to you for redress. They have no other appeal to make but to you, where cognizance can be taken of their case. What have you done? There is on your table a resolve to guarantee a general indemnification to them, and another to sequester the British debts; but, as a member [Mr. CLARK] formerly said, they are taking a nap: I rather think that it will be the sleep of death.

If merchants cannot insure their property, they may think of doing as is done in other countries; that is, arm their vessels to defend their property. Have they not a right, sir, to do it? Can you prevent it? No. Well, then, they meet with British privateers; of course they defend themselves, and are likely captured; the treatment which they receive compels you to send to demand your citizens, as was the case in Captain Barney's late capture. The British refuse. Why, sir, the very necessity of a just arming, which you can form no law to prevent, brings you into what every prudent American would wish to avoid—a war—with any Power.

There is another reason. If the Embargo is not renewed, how are your suffering merchants to be reinstated in their losses? America will not pay them out of her Treasury. You will not make a Loan for them, as I proposed the other day. You will not even extend the time of their paying their dues to your Treasury, as I also proposed. But you let slip through your hands, by the Embargo being off, the only certain fund of restitution, viz. the British property, public and private, now in America; and when that is once gone, to what are the merchants to have recourse? Behold the late correspondence between your Secretary of State and the British Minister here! The instant that you apply for explanations on their troops advancing on your Territories, under Colonel Simeco, the Minister replies, with a string of retorts on you, just as his Court will do to your Ambassador, Mr. Jay. And here I aver it, as a matter of fact, that when he demands restitution, they will come forward with their demands. The first will be, payment of the prizes sold in America, that were brought in by French cruisers. In what way are you to comply? Surely our citizens are not to be taxed for it. Of course, they refuse you any restitution. Therefore, we are brought under the favorite two words of the official correspondence alluded to—*statu quo*. Yes, a truly *statu quo*; things to remain in the same state as they are at present. The British have plundered you of your property; they keep it in *statu quo*. Well, you have got hold of their property here; keep that also in *statu quo*, by renewing the Embargo, till you have proofs from your Minister Extraordinary that your merchants will receive the damages that they are entitled to for their property captured from them, whilst they were trading under

the protection of your laws, and the laws of nations.

The amendment offered by Mr. GILLOX was negatived, without a division or any further debate; and the bill was ordered to be engrossed for a third reading.

INVALID PENSIONS.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom were referred two reports of the Secretary for the Department of War, respecting the return of invalids; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the Secretary of War be directed to place upon the list of invalid pensioners of the United States all such persons returned by the District Judges of the several districts, under the act of Congress of the twenty-eighth of February, one thousand seven hundred and ninety-three, as shall appear by the evidence accompanying such returns, and such documents as may be in the Office of the War Department, to come clearly within the act aforesaid, and are reported by the Secretary of War as having evidence complete; and in case of commissioned officers, contained in the said returns, who may, under this resolve, be placed upon the pension list at a sum less than full pensions, that the same rule respecting a return of commutation be adopted with them as is provided by an act of Congress in favor of Captain David Cook, of December sixteenth, one thousand seven hundred and ninety-one; and that all persons contained in the said returns, whose evidence is not complete, be returned by the Secretary of War to the District Judges, respectively, who reported them, by name, stating the particular reasons why their evidence is not complete, and, in each case, name the person whose evidence of leaving service is not lodged in his office; and the District Judges, respectively, shall forthwith notify, in every part of their districts, the persons named, and the reasons why their evidence is not complete, that they may have an opportunity to complete the same.

Ordered. That a bill or bills be brought in, pursuant to the said resolution, and that Mr. TRACY, Mr. TREDWELL, Mr. BEATTY, and Mr. THATCHER, do prepare and bring in the same.

SUNDRY BILLS.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize the PRESIDENT OF THE UNITED STATES to receive cessions of land for the site of light-houses and beacons, under certain limitations; which was read twice and committed.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to increase the Military Force of the United States, and to encourage the recruiting service," to which they desire the concurrence of the House.

H. OF R.]

Military Establishment.

[MAY, 1794.]

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for extending the benefit of a drawback, and terms of credit, in certain cases, and for other purposes;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill do lie on the table.

Ordered, That the Committee of the Whole House be discharged from proceeding on so much of the report of the committee to whom was referred a Report of the Secretary of War on sixty petitions as relates to the petition of John Robbe.

Resolved, That the said John Robbe be placed on the list of pensioners, pursuant to the Report of the Secretary of War; and that Mr. JEREMIAH SMITH, Mr. COIT, and Mr. MALBONE, do prepare and bring in a bill for that purpose.

FRIDAY, May 30.

An engrossed bill, authorizing the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes, was read the third time, and passed.

MILITARY ESTABLISHMENT.

The bill sent from the Senate, entitled "An act to increase the Military Force of the United States, and to encourage the recruiting service," was read the first time.

Mr. SMILIE objected that there must be some other purpose for these troops than any that had been acknowledged; for he could see none. The principle of the bill was wrong.

Mr. GILLES said, that the bill ought to be named "A bill authorizing the PRESIDENT to pass a law for raising ten thousand men." In point of principle, it was infinitely worse than the former one which the House had already rejected, (the one supported by Mr. SEDGWICK) He hoped that they would not suffer it to go to a second reading. We had made estimates of the expenses of this year, and have been told that the ways and means are not sufficient. Yet, in the face of this, to come upon us all at once with the expense of a standing army of ten thousand men was too hard. He trusted that gentlemen who would vote for a second reading would explain the reasons that could induce them to such a measure. The time spent upon such a bill would be perfectly cast away. He was at a loss to discover against whom these ten thousand men were to be employed.

Mr. HILLHOUSE could not, at this moment, decide whether he ought to vote for this bill or not. He would recommend a Committee of the Whole to examine its merits. He should think it ungenerous for any gentleman in that House to call for his vote till it had been fully discussed.

Mr. FITZSIMONS.—If we were to debate for a week upon it, I am sure that there cannot be one new idea started. The whole argument lies in so narrow a compass that every member may decide on a first hearing. The question is, whether, on account of the particular state of the country at this time, it is proper to intrust the PRESIDENT

with a discretionary power of raising an Army of ten thousand men? For my own part, I am as ready to decide just now as I ever can be.

Mr. AMES.—If we are to go to war, will it not be a prodigious saving of expense to have all matters ready beforehand? By being prepared two months before the war breaks out, the advantages in economy would be immense, as the price of enlisting men would rise four-fold when it was once known that war was certain. He knew many weak parts in the Union that might be attacked and in danger before a body of militia could be ready for effectual service. He was not qualified for details of this sort; but he knew that Rhode Island, for example, might be taken, and, in a short time, so strongly fortified, that it would be difficult or impossible to retake it. Why were we afraid to intrust the PRESIDENT with the power of raising ten thousand men? Can any body of men to be raised in this country tread down the substantial yeomanry? This is quite an Utopian dream. It is infinitely cheaper to raise and embody an Army at leisure, when the storm is seen to be approaching, than all at once, when twenty things must be done at the same time. There is, besides, a material distinction between this bill and the former. The force may be discontinued whenever the Legislature thinks proper; nor is it to be raised at all unless the PRESIDENT sees or thinks it necessary. The principle of the bill is, therefore, much less exceptionable than that of the other. To reject a bill on the first reading is a bad practice. Mr. A. hoped that the House would guard against it, unless where any thing was grossly improper, and depended on a single principle. But he trusted that the House would, in every common case, set their faces against it.

Mr. SMILIE controverted every thing said by Mr. AMES. He thought that the measure would involve this country in a very useless expense. Did we intend to rival the Military Establishments in Europe? The British might be expected to increase their forces in Canada in proportion to those of the United States.

Mr. DAYTON followed Mr. SMILIE, and said, that the arguments of the member who spoke last although intended to make a different impression, had convinced him of the impropriety of rejecting this bill upon its first reading. That gentleman had thought proper to enter into the intrinsic merits at this stage of it, when those who favored its principles could have no opportunity of defending or amending the particular parts of it. He had heard the objects of it grossly misrepresented. It had been asserted that the bill contemplated the increase of our Military Peace Establishment to sixteen thousand men.

[Mr. SMILIE interrupted Mr. DAYTON by declaring that he had never said or meant any such thing. But the defence of the Western Territory was to require six thousand men; and these, with the ten thousand to be raised by this bill, would amount, in the whole, to sixteen thousand men.]

No such thing (said Mr. D.) was to be found in it, and he called upon gentlemen to show upon what

MAY, 1794.]

Military Establishment.

[H. OF R.]

such an assertion was founded. He, for one, was of opinion that the interests and safety of the United States might be materially promoted by our vesting the PRESIDENT with the power to raise these men, if war should break out in the recess of Congress. Who did not believe that such an event was not only possible, but in some degree probable? Who would say, that if war should be forced upon us, this would not be considered as a most valuable provision, because we might have this respectable body of troops engaged, equipped, and prepared to act the moment that hostilities should be declared by the constituted authority? He would address himself to the feelings and interests of the member who spoke last, and those similarly circumstanced. They resided in the interior parts of the country, and hence it was that they did not seem to experience such lively sensations at the approach of danger on the Eastern frontiers the sea. What (he asked) was their situation, and what had they to fear in case of an open rupture with Great Britain? It was easy to foresee that they would be vigorously pressed, not only by those Indians which are at present hostile, and by the regular troops in that quarter, but by all the neighboring nations of savages over whom British threats or bribes could have influence. A part of the Six Nations, too, would probably join the confederacy, and the frontier settlers of Virginia, Pennsylvania, and New York, would certainly be driven in. With such a corps as the one proposed, an early check might be given to their irruptions, and the war be carried to their towns.

On the other hand, what would be the consequence, if, after the PRESIDENT perceives a war inevitable, he is not permitted to make the smallest preparation until he can convene Congress? Two months must be lost in convening them, owing to the extreme distances of their residence, all which time would be employed by our enemies in increasing their forces, in strengthening their posts, and establishing new ones, and in invading our country. Let this discretionary power be given to the PRESIDENT, (with whom much greater had repeatedly been lodged, and had never in any instance been improperly exercised,) and the men might be engaged while the members were collecting, and a small army in readiness to act as Congress should by law direct and authorize. No danger could arise from it, because the enlistments of those who might be engaged would be void unless the Legislature, immediately upon their meeting, should confirm them. It had been said, that our reliance should be upon the militia. He had, Mr. D. said, as high an opinion of militia as any member in that House, for he had witnessed their exertions and importance in the late war, but could it be said that it would be very convenient or agreeable to them, to be drawn a distance from their own homes, to be employed in taking and garrisoning posts, if it should be deemed advisable to direct operations of that kind? He concluded with wishing that the bill might be allowed to have a second reading, as constructions had been imputed to it which it certainly would not bear.

3D CON.—24

MR. MADISON did not accede to the principle of the bill. He did not see any such immediate prospect of a war, as could induce the House to violate the Constitution. He thought that it was a wise principle in the Constitution, to make one branch of Government raise an army, and another conduct it. If the Legislature had the power to conduct an army, they might embody it for that end. On the other hand, if the PRESIDENT was empowered to raise an army, as he is to direct its motions when raised, he might wish to assemble it for the sake of the influence to be acquired by the command. The Constitution had wisely guarded against that danger on either side. He could not, in the present case, consent to the breaking down of this barrier of public safety. He saw no necessity for it; nor any violent probability, that this country will be speedily invaded by any force, to which the present Military Establishment cannot make an adequate resistance. Let us hear from the Minister whom we have just sent to Britain, before we take such abrupt and expensive measures. We shall certainly hear from him, at least, before we are invaded. Now, if we enter into a calculation of the time requisite for his arrival in Britain, for commencing his business, and for sending back an account of what kind of reception he has met with, we shall find that by this period, Congress will have met again; or at least the interval will be so small as to make it not worth while to embrace any measure of this kind. Upon the whole, he could not venture to give his consent for violating so salutary a principle of the Constitution, as that upon which this bill encroached.

MR. SEDGWICK differed from MR. MADISON. He did not think that, in certain contingencies, war was so distant a prospect. Simcoe is going to erect a fort in our Territories, and the PRESIDENT has declared that he will repel the attempt. We all know the waste of time and property in the late war, at its commencement, by trying to do the business with militia. The proposal met his approbation, as did the resolution of the PRESIDENT, to repel force by force.

MR. FINDLEY spoke against the bill.

The question was then stated, to wit: "Shall the said bill be rejected?" and, after debate thereon, the question being taken, it was resolved in the affirmative—yeas 50, nays 32, as follows:

YEAS.—James Armstrong, Theodoros Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Joshua Colt, Isaac Coles, William J. Dawson, Henry Dearborn, William Findley, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Samuel Griffin, William Barry Grove, Daniel Heister, John Hunter, John Wilkes Kitters, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mcbane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Wynn, and Joseph Winston.

H. OF R.]

Advance of Money to France—Sundry Bills.

[MAY, 1794.]

NAYS.—Fisher Ames, Benjamin Bourne, David Cobb, Peleg Coffin, Jonathan Dayton, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, Thomas Hartley, James Hillhouse, William Hindman, Henry Latimer, Amasa Learned, Francis Malbone, Peter Muhlenberg, William Vans Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Artemas Ward, and John Watts.

It was then moved that the Whole House go into a committee on the bill for licenses on selling wine, and distilled spirits. Mr. GOODRUE was for, and Mr. GILES against the motion. On a division, forty four gentlemen rose in favor of it. The House accordingly went into a Committee, Mr. PARKER in the Chair.

The Committee, after some discussion, rose, and reported the bill with amendments. The House went into the consideration of the report. After some time, the question was put, "Shall this bill be engrossed for a third reading?" Ayes 41, noes 38.

ADVANCE OF MONEY TO FRANCE.

Mr. PARKER then moved that the House take into consideration the bill for payment of a certain sum of money to the French Republic.

The House resolved itself into a Committee on this bill—Mr. PARKER in the Chair.

Several amendments were proposed, and several members spoke.

Mr. GILES knew that Mr. Fauchet was anxious for this money, and spoke of it as necessary for his operations. He did not know whether to-day, to-morrow, or at what time in particular; but in fact the money was needed. He had another remark to make. This loan of three millions of florins had come upon all parts of the House alike, unexpectedly. Before it was known, we heard of no particular complaints from the Treasury, for want of money to raise the fortifications. But now, when the loan was come, the tone was altered, and there was a loud cry of emptiness in the Treasury.

Mr. GILLON said, that gentlemen talked of giving this money, as if we were doing a favor to France. Is this so? We are sending a new Ambassador to that country. A very pretty introduction he would have at Paris, with our credentials in one hand, and a refusal to pay the debts due to the Republic in the other. We have been in need of her assistance before, and we may want it again.

The Committee made some amendments. The Chairman reported them, and the bill finally passed the House.

SUNDRY BILLS.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," with several amendments; to which they desire the concurrence of this House.

Ordered, That a committee be appointed to bring in a bill to impose a duty of one cent per ton on all

vessels from a foreign voyage into the port of Baltimore; and that Mr. MURRAY, Mr. ARMSTRONG, and Mr. HUNTER, be the said committee.

The House next went into a Committee, Mr. PARKER in the Chair, on the bill for laying a duty on property sold at auction. The whole bill was strongly opposed by Mr. RUTHERFORD.

The Committee reported some amendments, which were agreed to, and the bill was ordered to be engrossed for a third reading.

Mr. JEREMIAH SMITH, from the committee appointed, presented a bill for the relief of John Robbe; which was read twice and ordered to be engrossed and read the third time to-morrow.

Mr. W. SMITH laid on the table a motion that a committee be appointed to inquire and report whether the sums appropriated for the fortifications of the ports and harbors of the United States be competent for that effect.

The resolution was immediately taken up, and negatived; and the House adjourned.

SATURDAY, May 31.

Mr. FITZSIMONS, from the committee appointed, presented a bill to extend the credit for duties on teas imported in the ship Argonaut, and to permit the export of goods saved out of the wreck of the snow Freelove; which was read twice and committed.

The House again resolved itself into a Committee of the Whole House on the bill making certain alterations in the act for establishing the Judicial Courts of the United States, and altering the time and place of holding certain Courts; and, after some time spent therein, the Committee rose and reported progress.

An engrossed bill, laying duties on licenses for selling wines and distilled spirituous liquors, by retail, was read the third time; and on the question that the said bill do pass, it was resolved in the affirmative—yeas 53, nays 23, as follows:

YEAS.—Fisher Ames, John Beatty, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Abraham Clark, David Cobb, Peleg Coffin, William J. Dawson, Henry Dearborn, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, George Hancock, James Hillhouse, John Hunter, John Wilkes Kittera, Matthew Locke, James Madison, Alexander Mebane, William Montgomery, Peter Muhlenberg, William Vans Murray, Joseph Neville, John Nicholas, Alexander D. Orr, Josiah Parker, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Benjamin Williams, and Joseph Winston.

NAYS.—Theodorus Bailey, Benjamin Bourne, Gabriel Christie, Joshua Coit, George Dent, William Findley, Alexander Gillon, Daniel Heister, William Hindman, William Lyman, Nathaniel Macon, Francis Malbone, Joseph McDowell, Anthony New, Nathaniel Niles, John Smilie, Israel Smith, Thomas Sprigg, Thomas

MAY, 1794.]

Sundry Bills.

[II. OF R.]

Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Richard Winn.

An engrossed bill providing for the payment of a certain sum of money due to the French Republic, was read the third time; and, on the question that the said bill do pass, it was resolved in the affirmative—yeas 53, nays 23, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, William J. Dawson, Henry Dearborn, George Dent, William Findley, Thomas Fitzsimons, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Daniel Heister, William Hindman, John Hunter, John Wilkes Kittera, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Peter Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Thomas Sprigg, George Thatcher, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, David Cobb, Peleg Coffin, Joshua Coit, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, James Hillhouse, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and John Watts.

An engrossed bill laying duties on property sold at auction was read the third time; and, on the question that the said bill do pass, it was resolved in the affirmative—yeas 55, nays 27, as follows:

YEAS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, John Beatty, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Henry Dearborn, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, George Hancock, James Hillhouse, William Hindman, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, William Montgomery, Peter Muhlenberg, William Vans Murray, Joseph Neville, Alexander D. Orr, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Benjamin Williams.

NAYS.—Thomas Blount, Thomas Claiborne, Isaac Coles, George Dent, William Findley, Alexander Gillon, William Barry Grove, Daniel Heister, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, Francis Preston, Robert Rutherford, John Smilie, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Richard Winn, and Joseph Winston.

A message from the Senate informed the House,

that the *VICE PRESIDENT* being absent, the Senate have proceeded to the choice of the *PRESIDENT pro tempore*, and *RALPH IZARD* has been duly elected.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas;" and, the same being read, some were agreed to and others disagreed to.

Resolved, That a conference be desired with the Senate on the subject-matter of the amendments disagreed to; and that Mr. MURRAY, Mr. PARKER, and Mr. SEDGWICK, be appointed managers at the said conference on the part of this House.

Mr. MURRAY, from the committee appointed, presented a bill to provide for a health officer for the town of Baltimore; which was read twice and committed.

Mr. FITZSIMONS, from the committee to whom was referred the memorial of James Vanuxem, made a report: Whereupon,

Resolved, That the Collector of the District of Pennsylvania, be authorized to receive from James Vanuxem, consignee of the cargo of the ship *Argonaut*, bonds, with sufficient surety, for the amount of the duties on the teas imported in the said ship, payable on the — day of May, one thousand seven hundred and ninety-five, or to receive such of the said teas as may be now on hand, to secure the payment aforesaid, at the option of the said James Vanuxem.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FITZSIMONS, Mr. GOODHUE, and Mr. FOSTER, do prepare and bring in the same.

Mr. TRACY, from the committee appointed, presented a bill concerning invalids; which was read twice and committed.

Mr. TRACY, from the same committee, also reported a resolution in the form of a concurrent resolution of the two Houses, concerning invalids; which was read, and ordered to be committed to the committee last appointed.

The House proceeded to consider the report of the committee to whom was referred the petition of James and Shoemaker: Whereupon,

Resolved, That a committee be appointed to prepare and bring in a bill to entitle the said James and Shoemaker to draw back the duties paid on the goods mentioned in the said petition, in case of their exportation.

Ordered, That Mr. FITZSIMONS, Mr. GOODHUE, and Mr. FOSTER, be a committee pursuant to the said resolution.

The SPEAKER laid before the House a Letter from the Governor of Maryland, enclosing a return of the election of GABRIEL DUVAL, to serve as one of the members of this House for the said State, in the room of John Francis Mercer, who has resigned his seat; which was read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate insist on their amendments dis-

H. OF R.]

Punishment of Crimes.

[MAY, 1794.]

greed to by this House to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas;" and agree to the conference desired by this House on the subject-matter of the said amendments, to which conference the Senate have appointed managers on their part.

PUNISHMENT OF CRIMES.

Mr. FITZSIMONS moved that the House resolve itself into a Committee on the bill for additions to an act for the punishment of certain crimes in the United States. He spoke a few words in explanation and support of the bill.

Mr. NICHOLAS, Mr. GILES, and Mr. MADISON, spoke against it. Mr. SEDGWICK and Mr. MURRAY defended the bill. The former gentleman recommended a delay of the bill, as it was too late in the session to discuss a subject of such magnitude.

Mr. AMES rose after Mr. MADISON. He said that to postpone the bill was to reject it. It was saying we shall do nothing till next December to provide against events that will happen in the course of next Summer. He thought that the rejection of this bill might be attended with dangerous consequences. Had we forgotten the disgraceful annals of the last year, and those decisions the black records of our dishonor? Juries would be afraid to give verdicts in these cases, when there seemed to be a doubt in the Legislature, which might be inferred from the rejection of this bill. Juries, such as we find them in America, (and Mr. A. said that he believed no other country had them half as good,) are not equal to the task of determining points in the Law of Nations. Every question of this kind was of itself much more intricate than another in the municipal law. Nor will juries find, or think themselves safe in such cases to determine. There was another difficulty: the general authority of the United States was so limited, that it might be, perhaps, no easy matter to put a sentence in execution. We had been told from the first authority—that of the PRESIDENT—an authority which in no Government but ours would be called in question—that such additional powers were necessary. But if, after this notice, we reject the bill, this must damp the exertions of the Executive; and what if we shall be driven into a war by the licentious behaviour of some individuals? We are going to throw out this bill, though a great part of it is confessedly good. Mr. A. likewise adverted to the scheme of casting out bills at the first reading. This gave them a great and unfair disadvantage. The theory was bad, and the practice was a commentary, that made it appear still worse.

Mr. BALDWIN saw no harm in letting the bill lie by till next session. It had been laid aside for six months past; and why might it not be so for six months hence? There was no more danger in time to come than there had been already. There was not now time to do justice to a bill of such magnitude and importance. It ought not to be crowded into the tail of a session.

Mr. TRACY said that this bill had been laid by for three or four months. It had been said before, and properly, that this bill was to be decided upon before the end of the session. So that gentlemen who complained of its being now introduced had either forgotten or did not give it an ingenious opposition.

Mr. NICHOLAS declared that he had never heard anything of it more than a whisper between gentlemen in their seats.

The House were impatient for the question.

Mr. WADSWORTH said that he should not detain members long. He said it was pretty certain that we should instantly be in a war. Ten, or perhaps twenty, American privateers had been fitted out from one port of the Continent to cruise on British commerce. He could not say that the news was absolutely true; but he mentioned it, on that sort of foundation on which intelligence is commonly received. If the Executive cannot hinder these people from going to sea in this way, we must be forced into hostilities immediately. We send an Ambassador to England to secure peace; and we follow up this application by sending out privateers. Will any nation, in such a case, believe that our desire of peace is sincere? Is the seizing of their ships a sign of it? He was surprised to hear from the gentleman from Georgia [Mr. BALDWIN] that there had been no intention understood of taking up this bill before the close of the session. He was for going into a Committee.

Mr. BOURNE said that, since they had begun the discussion, intelligence had been received, but he did not assert it as positively authentic, that eight British prizes had been carried into Charleston in one day.

The question was then put, Shall the House go into a Committee immediately on this bill? and it was resolved in the affirmative—yeas 49, nays 32, as follows:

YEAS.—Fisher Ames, John Beatty, Benjamin Bourne, Peleg Coffin, Joshua Coit, Henry Dearborn, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, Peter Muhlenberg, William Vans Murray, Nathaniel Niles, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, George Dent, William B. Giles, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Francis Preston,

JUNE, 1794.]

Punishment of Crimes.

[H. OF R.]

Robert Rutherford, John Smilie, Israel Smith, Thomas Tredwell, and Francis Walker.

The House accordingly resolved itself into the said Committee; and, after some time spent therein, the Committee rose and reported progress.

MONDAY, June 2.

An engrossed bill to extend the credit for teas imported in the ship *Argonaut*, and to permit the export of goods saved out of the wreck of the snow *Freelove*, was read the third time and passed.

The bill, sent from the Senate, entitled "An act for extending the benefit of a drawback and term of credit in certain cases, and for other purposes," was read the third time and passed.

The SPEAKER laid before the House a Letter from Francis Joachin Van Aken, styling himself Assistant Judge, addressed to the Congress of the United States, and dated Orebro, in Sweden, the first of January, one thousand seven hundred and ninety-four, stating the particulars of his discovery of an art, described in the Swedish language, for extinguishing fires, and preventing conflagrations, whether in war or peace, on board of vessels, or in houses on fire; which was read, and ordered to be sent to the Senate for information.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I send you certain communications, recently received from Georgia, which materially change the prospect of affairs in that quarter, and seem to render a war with the Creek Nations more probable than it has been at any antecedent period. While the attention of Congress will be directed to the consideration of measures suited to the exigency, it cannot escape their observation that this intelligence brings a fresh proof of the insufficiency of the existing provisions of the laws towards the effectual cultivation and preservation of peace with our Indian neighbors. G. WASHINGTON.

UNITED STATES, June 2, 1794.

The said Message was read, and, together with the communications therein referred to, ordered to lie on the table.

PUNISHMENT OF CRIMES.

Mr. GOODHUE then moved that the House resolve itself into a Committee of the Whole on the bill for additions to an act for the punishment of certain crimes against the United States; which was agreed to.

The first section was then read, and Mr. NICHOLAS moved that it should be struck out. The words are as follows:

"If any person shall, within the territories or jurisdiction of the United States, accept or take a commission to serve a Foreign Prince or State, in war, by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not less than _____ dollars, nor more than _____; and shall be imprisoned not exceeding _____ nor less than _____."

The motion was carried by a majority of one; yeas 39, nays 38.

Mr. NICHOLAS then moved to strike out a part

of the second section, which punishes a man for enlisting in a foreign service, or for going out of the limits of the United States to enlist in foreign service; and he proposed an amendment instead of it. His interpretation of the section, as it stood, was contested by Mr. KITTERA, who thought that the seduction of citizens to enlist, was the only thing meant.

Mr. SEDGWICK was of opinion that the amendment of Mr. NICHOLAS would authorize officers to raise armies in the United States for foreign service. He did not think that any man in that House would wish to do so. He was extremely disappointed at hearing the gentleman speak thus.

Mr. BOUDINOT thought that members should endeavor to make an amendment in which they could be unanimous. He mentioned several reasons for thinking that this might be done.

Mr. NICHOLAS hoped that the gentleman from Massachusetts [Mr. SEDGWICK] would always be disappointed in his [Mr. N.'s] sentiments; as they were almost always contradictory to those of the gentleman himself. He denied the inference.

Mr. HILLHOUSE imagined that it would be the highest disgrace to the United States, to suffer any man to enlist people here for foreign service. It might bring this country into a war. There were turbulent people in every country, who want a war; and we may be involved in it, undesignedly.

Mr. BOURNE thought that there was an inconsistency in the proposal before the House. If it was innocent for a person to enlist in foreign service, it was likewise innocent to persuade men to do it.

Mr. MURRAY had never heard any arguments like some of those which this day fell from Mr. NICHOLAS. Mr. M. was clear for putting a stop to all recruiting parties for foreign service. Were people only meeting to form the very first elements of a civil compact, they would have a right to say to each member of their society, that he should not enlist in any foreign service, to invade a nation perhaps friendly to them, without their consent. To countenance recruiting for foreign service, was admitting into the heart of the country an engagement against the sovereignty of the country. You invite every species of corruption. You invite foreign sovereigns to corrupt your citizens, and to subvert, if they desire it, the independence and the liberties of America. You put it in the power of an ambitious Prince or State in Europe to erect a body of men in the country for the purpose of overturning the Constitution. Something had been said about the principles of the Law of Nations; our own experience of last Summer and of last Autumn, showed that our Courts of Justice were incapable of enforcing them. He was against the resolution.

Mr. CLARK said that he was also against the motion of the gentleman from Virginia. Let officers go abroad, and learn the art of war; but let no foreign officers come here to enlist common soldiers.

The amendment of Mr. NICHOLAS was rejected without a division.

A motion was next made for striking out the fourth section ; but this was negatived.

It was next moved to strike out the sixth section, which stood as follows :

" *And be it further enacted, That it shall not be lawful to sell, within the United States, any vessel or goods captured from a Prince or State with whom the United States are at peace, which vessel or goods shall have been captured by any other foreign Prince or State, or by the subjects or citizens of such Prince or State : unless such vessel and goods shall have been first carried into a port or place within the territory of the Prince or State to which the captors belong, out such vessel and goods shall be carried out of the United States by those who shall have brought them in ; and the sale of any vessel or goods, prohibited as aforesaid, shall be utterly void.*"

Mr. SMITH, of South Carolina, said this question ought to be considered under two points of view : first, as to the right of France derived from the treaty ; second, as to the expediency of admitting the practice, independently of any existing right. As to the right. This must result either from the clear words of the treaty, or from such strong implication as cannot be resisted. It is evident that the right of France to sell prizes in our ports is not given by the terms of the treaty. The only articles from which it can be pretended to be derived are the 17th and 22d. The 17th article is in these words :

"It shall be lawful for the ships of war of either party, and privateers, freely to carry wheresoever they please, the ships and goods taken from their enemies, &c., they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show," &c.

The true construction of this article is the very reverse of the right contended for ; it is a permission to conduct, wheresoever they please, the ships and goods taken from the enemy, without paying any duty. It is evident that it does not contemplate a freedom to sell their prizes in our ports, but, on the contrary, a departure to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. And this construction is given to the article by Mr. Jefferson, the Secretary of State, in his correspondence with Mr. Morris, our Minister in France ; with Mr. Genet, pages 63, 67, where he says, "the article does not give the right to sell at all," and again, "the admission to sell here the prizes made by France on her enemies is unstipulated in our treaties and unfounded in her own practice, or in that of other nations, as we believe."

No right can be deduced from the 22d article but by construction and implication : the terms of that are :

"It shall not be lawful for any foreign privateers, &c. to fit their ships, &c., to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandise, or any other lading," &c.

From this negative stipulation as to the enemies of France, an affirmative right is attempted to be inferred in favor of France herself ; but the inference is a false one. Here I again recur to the

authority of the former Secretary of State, whose reasoning with respect to the right of fitting out privateers, applies to this case, the right to sell prizes under this article standing precisely on the same footing as the right to fit out privateers. In page 60 of the printed Correspondence, Mr. Jefferson says, after quoting the words of the article, "translate this from the general terms in which it here stands into the special case produced by the present war," privateers not belonging to France or the United States, and having commissions from the enemies of one of them, "are, in the present state of things, British, Dutch, and Spanish privateers ;" substituting these then for the equivalent term, it will stand thus, "it shall not be lawful for British, Dutch or Spanish privateers to fit their ships in the ports of the United States." Is this an express permission to France to do it ? Does the negative to the enemies of France and silence as to France herself, imply an affirmative to France ? Certainly not ; it leaves the question, as to France, open and free to be decided according to circumstances, and if the parties had meant an affirmative stipulation, they would have provided for it expressly ; they would never have left so important a point to be inferred from mere silence or implication. Suppose they had desired to stipulate a refusal to their enemies, but nothing to themselves, what form of expression would they have used ? Certainly the one they have used, an express stipulation as to their enemies, and silence as to themselves. And such an intention corresponds not only with the words, but the circumstances of the times. It was of value to each party to exclude its enemies from arming in the ports of the other, and could in no case embarrass them. They, therefore, stipulated so far mutually ; but each might be embarrassed by permitting the other to arm in its ports ; they therefore would not stipulate to permit that. This reasoning proves so conclusively the non-existence of the right to fit out privateers in our ports, that the French Government withdrew their claim, and instructed their new Minister to express their approbation of the steps pursued by our Executive, and ordered him to recall all the commissions of privateers illegally fitted out. Now there is not an argument against the right to fit out privateers which does not apply with equal force against that of selling prizes ; the same words are used in the article for both cases, and no inference can be drawn in favor of one which may not equally be drawn in favor of the other. The right to fit out privateers having been altogether abandoned by France, it would be not a little surprising that the right to sell prizes should now find advocates in our Councils.

Admitting that, by a forced construction of either of the two above mentioned articles of the treaty, an implication might arise favorable to the right, yet if the stepping beyond the line of strict obligation in favor of one belligerent Power, be deemed a departure from the line of neutrality, it may well be asked, shall we hazard the blessings of peace, and subject ourselves to the calamities of war, by inference, implication, or construction ?

JUNE, 1794.]

Punishment of Crimes.

[H. OF R.]

But let it be conceded, that either or both the articles import in the clearest manner the right contended for, I am ready to prove that the treaty *quo ad* that grant, would be void and of no effect.

The treaty between France and the United States was founded on principles of perfect reciprocity; we are not bound by stipulation, which was intended to be mutual, if France was not equally bound by it; but France, at the time of entering into this treaty, was restrained by antecedent and existing treaties from granting to the United States the right of selling their prizes in the ports of France; the United States would therefore be absolved from the stipulation, supposing it to exist.

These several points can be clearly established.

The preamble to the treaty in question has these strong expressions:

"His Most Christian Majesty and the United States have judged that the said end could not be better obtained than by taking for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all these burdensome preferences which are usually sources of debate, embarrassment, and discontent, by leaving also each party to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself, and by founding the advantages of commerce solely upon reciprocal utility."

It is laid down by *Vattel*, page 302, that—

"A Sovereign already bound by a treaty cannot make others contrary to the first; the things about which he has entered into engagements are no longer at his disposal; if it happens that a posterior treaty is found, in some point, to contradict one that is more ancient, the new treaty is null with respect to that point, as disposing of a thing that is no longer in the power of him who appears to dispose of it"

The treaty of Utrecht, between France and England, in the year 1713, stipulated in the 15th article, that—

"It shall not be lawful for any privateers, &c., who have commissions from any Prince or State, in enmity with either nation, to fit their ships in the ports of one or the other of the aforesaid parties, to sell what they had taken," &c.

In the event then of a war between the United States and Great Britain, France being neutral, we should have been restrained, by the treaty of Utrecht, from selling our prizes in the ports of France: the reciprocity, which is the basis of the treaty, is done away, and we are now called upon for a performance on our part of a mutual stipulation from which the other contracting Power is by treaty and the Law of Nations absolved.

If it be said that the treaty of Utrecht was, on account of intervening wars, not in force at the time our treaty with France was entered into, I will remark in reply, that the treaty of Utrecht was recognized by France, and revived by the treaty of Paris in 1763, and that it is an acknowledged maxim of the Law of Nations that the revival at a peace of a treaty which had been suspended by a state of war, restores the contracting parties to the same rights as if the treaty had

never been suspended. Moreover, in the treaty of Paris of 1763, it is said—

"That the treaty of Utrecht shall serve as a basis to that treaty, and is renewed and confirmed in the best form, as if it were there inserted word for word, so that it is to be exactly observed in future, &c., and the said parties declare that they will not suffer any privilege, favor, or indulgence, to subsist, contrary to the above treaty," &c.

But what is still more conclusive, the very treaty between France and the United States refers to the treaty of Utrecht as being in full force at that time; in the 10th article, the United States are restrained from disturbing the right of fishery, belonging to France, "on that part of the coast of Newfoundland which is designated by the treaty of Utrecht, as the rights relative to all and each of the isles which belong to His Most Christian Majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris." France was at peace with England in February, 1778, when our treaty was made; the treaty of Utrecht was consequently at that time in full force. But France was likewise restrained from granting us this right by the terms of the family compact with Spain, which was unquestionably in full force at the time of our treaty.

The remarks of Mr. *Jefferson* on the subject of fitting out privateers, are so applicable and pointed that I shall again quote him: page 60, he says—

"Let us go back to the state of things in France when this treaty was made, and we shall find several cases, wherein France could not have permitted us to arm in her ports, (he might have added, or sell our prizes.) Suppose a war between these States and Spain. We know that by the treaties between France and Spain, the former could not permit the enemies of the latter to arm in her ports. It was honest in her, therefore, not to deceive us by such a stipulation. Suppose a war between these States and Great Britain. By the treaties between France and Great Britain, in force at the signature of ours, we could not have been permitted to arm in the ports of France. She could not then have meant in this article to give us such a right. She has manifested the same sense of it again, in her subsequent treaty with England, made eight years after the date of ours, stipulating in the 16th article of it as in our 22d, that foreign privateers, not being subjects of either Crown, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation, that the subjects of the other Crown might arm in her ports against us, it would have been in direct contradiction to her twenty second article with us. So that, to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith; to give them only their negative and natural effect is to reconcile them to one another, and to good faith, and is clearly to adopt the sense in which France herself has expounded them. We may justly conclude, then, that the article only obliges us to refuse this right in the present case, to Great Britain and the other enemies of France; it does not go on to give it to France, either expressly, or by implication; we may then refuse it."

The treaty of Paris, in 1763, and the Treaty of Commerce, in 1786, both of which confirmed the Treaty of Utrecht, stipulated that the enemies of

the two Powers, viz: France and Great Britain, should not be allowed to sell their prizes in the ports of either party. Were there any doubt remaining on this head, the practice of France herself would remove it. Her edicts, forbidding the sale of prizes in her ports, while in a state of neutrality, by any belligerent Power, and directing her vessels of war to carry their prizes into the ports of France, where they were fitted out, would sufficiently evince her construction of these Treaties.— (See *Valin's Commentaries on the Marine Ordinances of France*, pages 272, 277.)

An argument has been attempted, in another place, to be deduced from the Convention with the Dutch relative to the sale of prizes, and from the second article of our Treaty with France, which secures to her the privileges of the most favored nation. To this, several answers may be given—

1st. The Convention with the Dutch was a special Convention, relating to a special case, viz: to the then existing war in which both Holland and the United States were engaged as co-parties. None of the provisions of that Convention can relate to a case where the United States are at peace. The circumstance of that Convention being a separate instrument from the Treaty of Commerce, though dated on the same day, explains that it was intended for a special and temporary object, and not, like the Treaty of Commerce, meant to be a permanent compact. The preamble recites that it is intended to establish some uniform principles with relation to prizes made by vessels of war upon their common enemies.

2d. The fifth article of that Convention stipulates that the prizes of either party may be sold in their respective ports, as far as may be consistent with the twenty-second article of the Treaty of Commerce; which article, however, provides, that the Treaty with Holland shall not in any manner derogate from the twenty-second article of the Treaty with France. Now, by that article in the French Treaty, the Dutch are expressly prohibited from selling their prizes in our ports. If Holland, then, does not now possess the right, how can France derive it through Holland?

3d. The second article of our Treaty with France only stipulates that each party shall enjoy all the privileges of the most favored nation, on allowing the same compensation, if the concession was conditional; but France, as has been shown, cannot, consistently with good faith and an adherence to her Treaties, grant us the same compensation in similar circumstances. She would, therefore, not be entitled to this privilege granted to Holland on terms of reciprocity, supposing the privilege still to exist.

It remains to consider this important question on the ground of expediency. Abandoning the idea of right, is it expedient and politic to permit the sale of French prizes in the United States?

In contemplating this point, the determination ought not to be influenced by any prepossessions in favor of one or antipathies against another nation. The true ground of national policy should be taken, and the result should be that which is

most consistent with our national interest. That the permission to France to sell her prizes in our ports would be advantageous to that nation, and inconvenient to her enemies, will not be denied. But it is the very circumstance of its thus being advantageous to one and inconvenient to others of the belligerent Powers which makes it inexpedient.

Were we prepared and resolved to become a party in the war, prompted either by gratitude for one, or resentment against another, of the Powers at war, it would be proper that we should at once take our side and pursue hostile steps; but, if the policy of the country still points to peace, and invites to neutrality, it follows, indispensably, that we must strictly adhere to the line of neutrality. There is no intermediate station between peace and war. Whatever may have been our sensibility in respect to injuries received, policy has for the present dictated to the Government of the United States a pacific system, and, as long as that system shall be the prevailing one, consistency requires an adherence to the principles it inculcates. The question, then, resolves itself into this: Is the voluntary permission to one of the belligerent Powers to sell her prizes in the ports of a neutral Power, while the same privilege is withheld from others, even our allies, a breach of neutrality? A recurrence to writers of authority, as well as the reason of the thing, will compel us to answer in the affirmative. *Vattel*, page 498, says:

"As long as a neutral nation wishes to enjoy this situation with certainty, it ought to show in every thing an exact impartiality between those who are at war; for, if it favors the one to the prejudice of the other, it cannot complain when that other shall treat it as an adherent and associate of the enemy. Its neutrality would be a fraudulent one, of which no one would be the dupe."

Mr. *Jefferson*, in the printed Correspondence, page 60, speaking of the fitting out of privateers, says:

"Since we are bound by Treaty to refuse it to the one party, and are free to refuse it to the other, we are bound by the laws of neutrality to refuse it to that other."

In page 67, he says, that the permission to sell prizes in neutral ports is unfounded in the practice of France, and, he believes, of all other nations. It is certain that France has passed severe laws against it, and that, were we now at war with any European Power, and France neuter, we should not enjoy that privilege in her ports. The question is not confined to Great Britain and France, and it is not enough to say, "We have received injuries from the former and benefits from the latter, and, therefore, we should grant a special indulgence to one to the detriment of the other." Other nations are seriously affected by the decision. Spain, Holland, and Prussia, are co-parties in the war against France. (There is, indeed, an appearance of a withdrawing of the latter, though not yet ascertained.) We have no idea of going to war with the first. With the two last we have treaties of amity and commerce. It is not improbable, should the war continue, that Sweden may be implicated as one of the Com-

JUNE, 1794.]

Punishment of Crimes.

[H. OF R.]

bined Powers. With her we have also a Treaty of Amity and Commerce. A permission to France to sell her prizes will be a special privilege for her benefit, to the injury of Spain and Holland certainly, and probably Sweden. Should we feel no peculiar partiality for Spain, yet it ought not to be forgotten that she lent us money during our war with England, and combined with France to aid us. Gratitude should suggest a recollection of the services rendered us by Holland, and should forbid a departure from neutrality, which would essentially affect her interests. In our Treaty with Holland it is expressed, "that there shall be a firm, inviolable, and universal peace and sincere friendship between the two countries." Would it be a sincere friendship on our part to facilitate to their enemies the capture of their vessels by permitting the sale of them in our ports?

In regard to Great Britain, a negotiation is now depending for a redress of our wrongs. Whether or not there was sufficient cause of immediate war against that nation, or whether it was wise in the Government to prefer the path of negotiation to that of hostility, are questions not now to be discussed. The path of negotiation has been entered, and ought not to be deviated from till it has been fairly explored. Would a departure from the line of neutrality, as it relates to that nation, be, under the present circumstances, consistent with sound policy? Undoubtedly not. I would not furnish her with even this pretext for a refusal to do us justice. I would afford every aid, every chance for a successful negotiation. I would avoid throwing any impediments whatever in its way, and, having acted thus, should my expectations be disappointed, I shall feel myself justified in exposing my country to all the calamities of war, to endeavor to extort by force that which justice and moderation shall have failed to obtain.

There are other considerations arising out of the question of expediency which claim some notice. The sale of prizes in our ports will have an immediate tendency to increase the number of privateers on our coasts, to embarrass and distress our commerce, and to foster that spirit of privateering among our own citizens which, at the same time that it is a direct violation of neutrality, leads to the introduction of immoral habits. And here I cannot forbear once more quoting the former Secretary of State, who, in page 63 of the printed Correspondence, says:

"Were the merchant vessels coming for our produce forbidden to have any arms for their defence, every adventurer who has a boat, or money enough to buy one, would make her a privateer. Our coasts would swarm with them; foreign vessels must cease to come; our commerce must be suppressed; our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away; our ploughs must be laid aside, and agriculture suspended. This is a sacrifice no Treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term privateer."

The pernicious consequences above described would equally flow from the allowance to sell prizes. From a view, therefore, of the whole sub-

ject, it clearly results that the sale of prizes is not stipulated by the Treaty; that, if it were, it would be null, as being repugnant to prior Treaties, and not reciprocal; that it is unfounded in the practice of France herself; and that it is inexpedient, as directly contravening the laws of neutrality, and as prejudicial to our commercial interests and the morals of our citizens.

Mr. MADISON said, he should not follow Mr. SMITH in the long argument which he had extracted chiefly from the Correspondence of Mr. Jefferson; because, were it admitted to be well-founded, it did not reach the true point to be decided. It was not merely a question, whether we were bound by treaty to permit the sale of French prizes. There was another question, whether we were bound, by the Law of Nations, and of neutrality, to refuse that permission? It had not been shown that we were bound to such refusal. A neutral nation might treat belligerent nations unequally, where it was in consequence of a stipulation prior to the war, and having no particular reference to it. It was laid down expressly, by all the best writers, that, to furnish a military force to one of the parties, in pursuance of such a stipulation, without a like aid to the other, was no breach of neutrality; and it amounted to the same thing whether the equilibrium were destroyed by putting an advantage in one scale, or taking a privilege from the other. The Executive had expounded the Law of Nations, and our treaties, in this sense, by leaving the sale of French prizes free, and forbidding the sale of British prizes. For the Legislature to decide that we were bound by the laws of neutrality to forbid the sale of French prizes also, would be to make themselves the expositors of the Law of Nations—to condemn the exposition of the Executive—to arm Britain with a charge against the United States, of having violated their neutrality; and, what ought particularly to be avoided, to arm her with claims of indemnification for injuries done her by the sale of prizes. Such a proceeding would be the more impolitic and extraordinary, as it could not fail to give extreme disgust to the French Republic, by withdrawing a privilege which it had been determined could be rightfully allowed her; and, as the British Minister, Lord Grenville, had admitted, in his conversation with Mr. Pinckney, that Britain had reason to be satisfied, on the whole, with the conduct of the United States as a neutral nation.

Mr. SMITH, of South Carolina, observed, in answer to Mr. MADISON, that as the gentleman had given up the point of right, the ground was greatly narrowed, and rested altogether on expediency. The gentleman had contended that he (Mr. S.) had not shown that we were bound by the Law of Nations and of neutrality, to refuse the permission. Mr. S. said he was surprised at such an assertion, after he had quoted from *Vattel* and the late Secretary of State, the following passages, which he should again quote, as they had been so soon forgotten. *Vattel*, p. 489 says:

"As long as a neuter nation wishes to enjoy this situation with certainty, it ought to show in every thing an exact impartiality between those who are at war;

H. OF R.]

Punishment of Crimes.

[JUNE, 1794.]

for if it favors the one to the prejudice of the other, it cannot complain when that other shall treat it as an adherent and associate of the enemy; its neutrality would be a fraudulent one, of which no one would be the dupe."

Mr. *Jefferson*, page 60, speaking of the fitting out of privateers, which stands on the same footing as the selling of prizes, says:

"Since we are bound by treaty to refuse it to the one party, and are free to refuse it to the other, we are bound by the laws of neutrality to refuse it to that other."

The permission to sell prizes, certainly favors the one party to the prejudice of the other; it is only with that view that it is required; were it a matter of indifference, it would not be asked. *Vattel*, then, shows that it is contrary to the Law of Nations for a neuter nation to grant it; and Mr. *Jefferson* shows that it is contrary to the laws of neutrality.

But how does the gentleman prove that it is not contrary to the laws of neutrality? By proving that a neutral nation might treat belligerent nations unequally, where it was in consequence of a stipulation prior to the war, and having no particular reference to it. Mr. S. said, he subscribed to the truth of that doctrine, but it was the very reverse of the present case. How could a case of succor, stipulated prior to the war, and having no reference to it, apply to a case where it was admitted there was no stipulation prior to the war, and where the permission to sell would have reference to the existing war? The gentleman had mentioned the acquiescence of the Executive in the sale of prizes; but that proved nothing. At the commencement of the war between France and England, the agents of the former exercised the right of fitting out privateers, and of holding prize courts; as well might it be said, because a stop was not immediately put to this practice, that the Executive had acquiesced in it. The fact was, that these subjects being new and difficult, much time was required to regulate them. The PRESIDENT had applied to Congress for aid to enforce the laws of neutrality; the subject being properly before them, it was competent to them to prohibit every thing which, not being granted by treaty, it was contrary to the laws of neutrality to permit: this was, therefore, precisely the case where the Legislature ought to interpose to preserve the peace of the country. Instead of arming Britain with claims of indemnification for injuries done her by the sale of prizes already made, the sanctioning of the practice by striking out the clause, would furnish her with a pretext for indemnification for all prizes hereafter sold. France could not reasonably be dissatisfied, as the question had never been determined by the Executive; she had not been dissatisfied with the refusal to fit out privateers and hold courts; and yet she had as much right to complain in both those cases as in the present. The British Minister had specified the sale of prizes among the causes of complaint, as a deviation from neutrality; but had it been otherwise, it would not alter the propriety of the thing, for there were other parties interested besides Eng-

land, and it was well known that Spain and Holland were dissatisfied.

Mr. HILLHOUSE spoke in favor of the clause.

Mr. GOODHUE observed, that the subject lay within a very narrow compass. If, by our treaty with France, they had a right to sell their prizes in our ports, there was nothing more to be said. If they had no such right by treaty, then it was to be considered how far giving them this right would be a violation of our present neutrality. As to the treaty, Mr. *Jefferson*, our late Secretary of State, in his correspondence, communicated to us the present session, had explicitly said, that no such claims could be made by France, by virtue of our treaty with them, to such a measure. And, indeed, if we look into the treaty which France made with Great Britain in 1786, several years after the one they had formed with us, we shall have all doubts removed on the true construction which ought to be had upon the article mutually existing between us, by virtue of which such a right is pretended; for, in the treaty they made with Great Britain, they expressly stipulated that in case either party should be at war with any other nation, no prizes of the one being so at war shall be sold in the ports of the other; consequently, had it happened that we had been at war with Great Britain, and France had remained in peace, we could not, by the article in our treaty with them, have had such an indulgence. Indeed, the gentleman from Virginia [Mr. MADISON] seems to give up the right, and takes it up on the ground of expediency, and not having a tendency to violate our neutrality. Mr. *Jefferson* has also, in his correspondence, laid down this principle, that if a neutral nation granted a favor to one belligerent Power, which she withheld from the other, it was so far a violation of neutrality: this principle was incontrovertible. Mr. MADISON had said, we had not heard that the British Government had complained on this score to our Minister at London; but, though that was true, it was nevertheless true that their Minister here had made complaint of it to us; and Mr. G. was of opinion, that, in settling our accounts with Great Britain for the spoiliations they have committed on our commerce, they would bring as a charge against us, the prizes made of their vessels, which we had permitted the sale of in our ports. He therefore hoped the clause would not be stricken out, agreeably to the motion for that purpose. Mr. G. further observed, that it had given him much pain to see so many amendments proposed in the progress of this bill, to deprive the Executive and Judicial powers of this Government from being vested with that authority so essentially necessary to restrain the licentious from committing such acts as unquestionably hazarded the tranquility of our country.

Mr. NICHOLAS and Mr. TRACY also spoke, and Mr. MADISON rose in explanation.

For striking out the clause 46—against it 37.

After some further discussion, the Committee rose, and the Chairman reported the bill, with amendments.

The House proceeded to consider the said amendments; whereupon amendments to the first, third,

JUNE, 1794.]

Punishment of Crimes.

[H. OF R.]

and fourth sections of the said bill being twice read, were, on the question severally put thereupon, agreed to by the House.

The amendment to the sixth section of the said bill being twice read, to strike out the whole of the said section, in the words following:

"And be it further enacted, That it shall not be lawful to sell, within the United States, any vessel or goods captured from a Prince or State, or from the subjects or citizens of a Prince or State with which the United States are at peace, which vessel or goods shall have been captured by any other foreign Prince or State, or by the subjects or citizens of such Prince or State, unless such vessel and goods shall have been first carried into a port or place within the territory of the Prince or State to which the captors belong: but such vessel and goods shall be carried out of the United States by those who shall have brought them in. And the sale of any vessel or goods, prohibited as aforesaid, shall be utterly void."

On the question that the House do agree with the Committee of the Whole House in the said amendment, it was resolved in the affirmative—yeas 48, nays 38, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, William B. Giles, Alexander Gillon, Nicholas Gilman, Andrew Gregg, Samuel Griffing, William Barry Grove, George Hancock, Thomas Hartley, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, and Richard Winn.

NAVS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Benjamin Bourne, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, William Vans Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gansbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Joseph Winston.

The said bill, with the amendments, was then read the third time and passed.

TUESDAY, June 6.

The SPEAKER laid before the House a Letter from Arthur St. Clair, Governor of the Territory of the United States Northwest of the river Ohio, requesting a speedy decision on the report of the committee appointed to inquire into the causes of the failure of the expedition carried on against the Western Indians, in the year one thousand seven hundred and ninety-one; which was read, and ordered to lie on the table.

Mr. SCOTT moved that certain papers should be printed. On them had been founded the report of the committee, as to the failure of St. Clair's expedition.

Mr. CLARK thought that it would be better to send the whole papers up with the box that contained them to Washington county, which the member [Mr. SCOTT,] came from, and if one or two persons there wanted to read them, they might do it in the manuscript.

Mr. DAYTON took the box which held the papers, and emptied it on the floor. They made up a number of large bundles.

Mr. SCOTT thought that it would be very easy to print them. It was observed, that before papers were ordered to be printed, it was a rule of the House to have them read. The reading would take at least a week, though the House were to do nothing else. The motion was negatived.

Resolved, That the resolution of the twenty-first ultimo, authorizing the PRESIDENT of the Senate and SPEAKER of the House of Representatives to close the present session, by adjourning their respective Houses on this day, be repealed; and that, instead thereof, they be authorized to adjourn their respective Houses on Thursday, the fifth instant, to meet on that by law appointed.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

A message from the Senate informed the House, that the Senate recede from their amendments disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," and do agree to the said amendments, with certain modifications of the same, agreeably to the report of the committee of conference.

The House proceeded to consider the said message: Whereupon,

Resolved, That this House doth agree to all the modifications of the said amendments, as proposed by the committee of conference, except the amendment to the twelfth section; and that the Senate be informed that this House have, in their first proceeding on the amendments of the Senate, agreed to the amendment to the said twelfth section, as originally proposed by the Senate.

The House resolved itself into a Committee of the Whole House, on the bill concerning invalids; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read; and, on the question put thereupon, disagreed to by the House.

Ordered, That the said bill be engrossed, and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to report a state of facts, with their opinion thereon, relative to a settlement made by the State of North Carolina, for certain claims against the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consider-

H. OF R.]

Purchase of Galleys.

[JUNE, 1794.]

ation, and made some progress therein. And on the question that the Committee of the Whole House have leave to sit again on the said report, it passed in the negative.

The House resolved itself into a Committee of the Whole House on the bill to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the bill supplementary to the act, entitled "An act to promote the progress of Useful Arts; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-day. It was so read and passed.

Ordered, That a committee be appointed to bring in a bill appropriating any moneys not already appropriated, and that Mr. FITZSIMONS, Mr. SEDGWICK, and Mr. HILLHOUSE, be the said committee.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a general abstract of the exports of the United States for one year, ending on the thirtieth of September, one thousand seven hundred and ninety-three; also, two summary statements, for the same period, exhibiting the value of the exports from each State, and a view of the exportation to all the foreign Dominions with whom the United States maintain a commercial intercourse; which were read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate have passed the bill, entitled, "An act laying certain duties upon snuff and refined sugars," with several amendments; to which they desire the concurrence of this House. The House then proceeded to consider the said amendments, and, the same being read, were agreed to.

The House again resolved itself into a Committee of the Whole House on the bill making certain alterations in the act for establishing the Judicial Courts of the United States, and altering the time and place of holding certain Courts; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

An engrossed bill to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia, was read the third time, and on the question that the said bill do pass, it was resolved in the affirmative—yeas 46, nays 26, as follows:

YEAS.—Fisher Ames, James Armstrong, Abraham Baldwin, John Beatty, Benjamin Bourne, Thomas P. Carnes, David Cobb, Pelat Coffin, William J. Dawson, Jonathan Dayton, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Lyman, Francis Malbone, Peter Muhlenberg, William Vans Murray, Josiah Parker, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, John Smilie, Israel Smith, William Smith, Thomas Sprigg, Silas Talbot, George Thatcher, Uriah Tracy, John E. Van Allen, Peter Van Gaasbeck, Peter Wadsworth, Jeremiah Wadsworth, and John Watts.

NAYS.—Thomas Blount, Elias Boudinot, Thomas Claiborne, Abraham Clark, Joshua Coit, Isaac Coles, William B. Giles, James Gillespie, James Gordon, George Hancock, James Hillhouse, Matthew Locke, Nathaniel Macou, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, Nathaniel Niles, Francis Preston, Jeremiah Smith, Thomas Tredwell, Abraham Venable, Francis Walker, Benjamin Williams, and Joseph Winston.

An engrossed bill concerning invalids was read the third time and passed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," with several amendments; to which they desire the concurrence of this House. The Senate have also agreed to the resolution of this House, to repeal the resolution of the twenty-first ultimo, for the adjournment of the two Houses on this day, and authorizing the PRESIDENT of the Senate and the SPEAKER of the House of Representatives to close the present session, by adjourning their respective Houses on Thursday, the 5th instant.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and, the same being read, some were agreed to, and others disagreed to.

The SPEAKER laid before the House a Report from the Secretary of the Treasury, accompanying an estimate of the sums which require to be appropriated, in addition to those provided for during the present session; also, a statement of the appropriation of ten thousand dollars for the purpose of defraying the contingent charges of Government; which were read, and ordered to be referred to the committee appointed to bring in a bill, appropriating any moneys not already appropriated.

PURCHASE OF GALLEYS.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to authorize the PRESIDENT of the UNITED STATES, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States."

JUNE, 1794.]

Purchase of Galleys.

[H. of R.]

Mr. PARKER moved that the Committee of the Whole House be discharged from the farther consideration of the bill.

Mr. MURRAY objected to the motion. They would, in case of a war, be very useful.

Mr. LYMAN wondered that certain gentlemen, who had objected to every measure for avenging the injuries of America, were so forward in every measure that would lead this country into expense. He contended that there was no danger of a war. He had just received a letter from New York, stating that a vessel had just arrived from England, which brought intelligence down to the 17th of April. The combined armies were making off; and the country from which we have most reason to fear hostilities is internally in a state so alarming, that she is likely to have more need of galleys for her own protection than we have for ours.

Mr. HILLHOUSE observed, that he was one of those who came under the lash, as averse to avenging the injuries of America. He was, however, as independent as any member of that House; and was answerable only to his own conscience for his conduct. He wished that gentlemen would spare such reflections. In the present instance, the remark was unfortunate, because the bill did not meet with his approbation. He had no idea that there would be occasion for galleys or anything of the kind.

Mr. BALDWIN approved of the proposal for the galleys.

The House went into a Committee on this subject—Mr. TRUMBULL in the Chair; the motion for discharging the Committee having been negatived—ayes 35, noes 37.

Mr. CLARK rose and moved that the first section of the bill should be struck out.

Mr. PARKER seconded the motion. He never knew of any good that galleys had done. They could not be made to stand an attack, even when, as at Mud fort, under the shelter of fortifications. As to himself, he would think his house more secure with no galleys at all, than if half a dozen were lying in the front of it. Instead of a defence, they often did mischief to the coast. Privateers, or ships of war, attacked them; and in the pursuit, landed and burnt the houses in the neighborhood. This was the sort of defence which they afforded. He would be glad to hear, what he had never yet been able to hear, viz. of any service of any kind that they had performed.

Mr. BALDWIN. The gentleman has got his frigates and fortifications. He should indulge other people with modes of defence that they are anxious for. If they are of no use in James' river, do not seek them. They will not be given to those who do not want them. There is no fear that the PRESIDENT will be too lavish of them. The Georgians were vastly the better for them in the time of the war.

Mr. FITZSIMONS affirmed, that they had been of very great service in the war. They were of much use in the Delaware. They stopped for some time the progress of the British army. He was informed of this by gentlemen whom he could

trust as much as he could do any body in that House.

Mr. MADISON knew not what opinion to form between such opposite assertions. Personally, he was no judge. Only the bill could not pass in its present form, if it passed at all; because the number of galleys must be limited by the act.

Mr. SEDGWICK was against the galleys. He, like Mr. HILLHOUSE, was one of those gentlemen who came under the lash of Mr. LYMAN. He had voted against the measures referred to by that gentleman, but he was also against the present. Farther, the gentleman was entirely mistaken as to the quarter from whence the bill came. It had been supported in the Senate by a description of persons whom the gentleman would, to-morrow, be calling his bosom friends. He reprobated all reflections of this nature, and concluded by remarking, that "the gentleman's reputation should be unblemished, who calls that of other people in question."

Mr. WADSWORTH had been for twenty years at sea; so he should know something of the matter. He was for the galleys. If they went off at Mud fort, that was not any fault in them, but an impeachment of the conduct of those who conducted them. In some places they were very useful. A vessel of this kind might be constructed that would fight all the privateers of Bermuda. He thought that the inhabitants of North Carolina and Georgia should be indulged in their wishes. He named an officer in the latter State, who, during the war, did more mischief to the British by galleys, than was done by all the battles fought by land in the country. At New London, where he lived, they were not worth a rush; but in many situations they might be very useful.

Mr. MURRAY likewise replied to the remarks of Mr. LYMAN. He came under the same description with the member from Massachusetts, [Mr. SEDGWICK.] He was for the galleys. He gave a description of the construction of the galleys and their immense conveniencies in certain situations.

On motion, the Committee rose, reported progress, and asked leave to sit again.

WEDNESDAY, June 4.

An engrossed bill making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts, was read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the bill to authorize the PRESIDENT OF THE UNITED STATES to receive cessions of land for the sites of light-houses and beacons, under certain limitations; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be engrossed, and read the third time, it passed in the negative. And so the bill was rejected.

Resolved, That a joint committee of both Houses be appointed to wait on the PRESIDENT OF THE UNITED STATES, and request that he would re-

H. OF R.]

Purchase of Galleys.

[JUNE, 1794.]

commend to the People of the United States a day of public humiliation and prayer, to be observed by supplicating Almighty God for the safety, peace, and welfare of these States; and that Mr. BOURNOR, Mr. NILES, and Mr. GORDON, be of the said committee, on the part of this House.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Nicholas Rieb; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The bill was then ordered to be engrossed, and read the third time to-day.

Mr. FITZSIMONS, from the committee appointed, presented a bill making appropriations for certain purposes therein expressed; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act authorizing a settlement of certain expenses of the Commissioners of Loans;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and the same being read, were agreed to.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before Congress the copy of a Letter, with its enclosure, from the Secretary of State to the Minister Plenipotentiary of his Britannic Majesty, it being an answer to a Letter from the Minister to him, bearing date the 22d ultimo, and already communicated.

G. WASHINGTON.

UNITED STATES, June 4, 1794.

The said Message and papers were read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate insist on their amendments, disagreed to by this House, to the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," and desire a conference with this House on the subject-matter of the said amendments; to which conference the Senate have appointed managers on their part.

The House proceeded to consider the foregoing message. Whereupon,

Resolved, That this House doth agree to the conference desired by the Senate; and that Mr. GILES, Mr. LYMAN, and Mr. DAYTON, be appointed managers at the same on the part of this House.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House. The said bill, with the amendment, was then read the third time, and passed.

PURCHASE OF GALLEYS.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys, in the service of the United States.

Mr. BOURNOR said, that the galleys of Venice were as good and effective vessels as any that went to sea: so much for galleys in general. In the last war, the crew of one galley took General Prescott and four hundred men, with thirty officers, prisoners; and this vessel mounted only one gun, an eighteen pounder. He wondered that any gentleman who had gone through the war could have forgot this.

Mr. GILESPIE enumerated various advantages that were to be derived from this kind of naval armament.

Mr. GILES considered this mode of defence as impracticable. A gentleman from Maryland had yesterday specified a situation wherein it would be impracticable for a privateer to beat a galley. But it was to be presumed that the former would have sufficient prudence to avoid such a situation. It was time enough to be at such an expense when war commenced.

Mr. W. SMITH said, that the state of the country was very doubtful, and it was as likely that the negotiation would end in war as in peace. The proposal of fitting out privateers was only conditional, in case the PRESIDENT should judge necessary.

Mr. DAYTON.—If this section of the bill is to stand in its present form, it is wrong, as the number of galleys ought to be limited. He did not think either so much or so little of galleys as some gentlemen who had spoken.

Mr. GILES (in reply to Mr. W. SMITH) observed, that he never had been for war, or for any measure that led to it. The gentleman had insinuated that he [Mr. G.] always retarded measures for arming. It was extremely indelicate in the gentleman to make such attacks. He ought to give some credit to the assertions of other members who declared that they were averse to a war. The same idea had been often advanced by the same gentleman during the session, and had not been adverted to, perhaps, from the contempt in which the charge was held. He was against the galleys.

Mr. BOURNE never yet had known the use of galleys in Rhode Island. One of the British gal-

JUNE, 1794.]

Invalid Pensions.

[H. OF R.]

leys had been taken by an American packet-boat, which was commanded by a gentleman who since had a seat in that House. He was for striking out the section. Gallies had been of no use to the British, and of none to America.

Mr. GILLESPIE was for the gallies. As to personal reflections, he had nothing to do with them. They did not suit him.

Mr. PARKER said, that he had made the original motion for striking out the clause, and he adhered to his opinion. Ten or twelve gallies, during the war, had cost Virginia seven, eight, or ten hundred thousand dollars for no purpose. It was true, that gallies were not to be attacked; for they commonly got into such situations as to be out of the reach of any enemy except the mosquitoes. Brave men would fight as well in a galley as any where else; but no man of spirit would place himself in them. Of this, there was melancholy experience in Virginia during the war. He considered the bill as nothing but a useless attack upon the Treasury. He was ready to vote for the building of twenty-gun ships. But he believed that the danger was over, and that the nation which had insulted us already would insult us no more.

Mr. GILLON wished to limit the number of the gallies. He had been very unwell, which had hindered him from attending to the bill. He hoped that the explanations of some gentlemen would be like what the lawyers call a *bar dinner* at the end of the term. They would promote a good understanding.

Mr. BALDWIN was in favor of the gallies.

Mr. MADISON wished to refer the clause to a special committee.

On a division as to the clause, there were for striking out—ayes 33, noes 46.

Mr. GILLESPIE moved an amendment, that the number of gallies should not exceed ten; which was agreed to.

After some further conversation, the Committee rose, and the Chairman reported the amendments. The House took them up, and ordered the bill to be engrossed for a third reading.

The said bill, with the amendments, was read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 43, nays 32, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, John Beaty, Elias Boudinet, Thomas P. Carnes, David Cobb, Peleg Coffin, Jonathan Dayton, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Alexander Gillon, Benjamin Goodhue, James Gordon, Andrew Gregg, William Barry Grove, Thomas Hartley, William Hindman, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, Peter Muhlenberg, William Vans Murray, John Nicholas, Andrew Pickens, Theodore Sedgwick, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeek, Peleg Wadsworth, Jeremiah Wadsworth, Benjamin Williams, and Richard Winn.

NAYS.—Theodoros Bailey, Thomas Blount, Benjamin Bourne, Gabriel Christie, Thomas Claiborne, Joshua Coit, Isaac Coles, William J. Dawson, Henry

Dearborn, George Dent, William B. Giles, Nicholas Gilman, Daniel Heister, William Lyman, Nathaniel Macon, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, Nathaniel Niles, Alexander D. Orr, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Jeremiah Smith, Israel Smith, Thomas Sprigg, Abraham Venable, Francis Walker, and Joseph Winston.

THURSDAY, JUNE 5.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

An engrossed bill for the relief of Nicholas Rieb was read the third time, and passed.

INVALID PENSIONERS.

The House resolved itself into a Committee of the Whole House on the resolution reported by the committee to whom were referred two Reports of the Secretary of War, accompanying statements in the cases of claimants for invalid pensions; and, after some time spent therein, the Chairman reported that the Committee had had the said resolution under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

The said resolution, as amended, was again read, and, on the question put thereupon, agreed to by the House, as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the Department of War be, and he is hereby, directed to make out an exact list of the names of each person returned to him as invalid pensioners by the Judges of the Circuit Courts of the United States signing themselves as Commissioners, under the act of Congress passed the twenty-third of March, one thousand seven hundred and ninety-two, entitled "An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions;" and to return to the Judge of each district one copy of such list, stating particularly the district from which each person was returned, and that all are, by Congress, directed not to be entered on the pension list. And the said Secretary is further directed to return to each District Judge a list of the names of all such persons as have been returned as invalid pensioners by the District Judges, under the act of Congress, passed the twenty-eighth of February, one thousand seven hundred and ninety-three, entitled "An act to regulate claims to invalid pensions," distinguishing those who have been placed on the pension list and those who have not been placed on the same, by reason of their testimony being incomplete, stating particularly the legal requisite or requisites wanting in the evidence of each,

and naming such of them whose evidence of leaving the service is not lodged in his office. And the Judges of the several District Courts, upon receipt of the above-described lists and statements from the Secretary for the Department of War, are hereby directed forthwith to publish the same in every part of their respective districts, adding to such publication the time when the act regulating the claims to invalid pensions expires.

The House then resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for the remission of the duties on certain distilled spirits which have been destroyed by fire;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time, and passed.

COMPENSATION TO CERTAIN CLERKS.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act allowing an additional compensation to the Principal Clerks in the Department of State, and in the Treasury and War Departments, for the year one thousand seven hundred and ninety-four;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be now read the third time, it was resolved in the affirmative—yeas 43, nays 32, as follows:

YEAS.—Fisher Ames, Theodorus Bailey, Benjamin Bourne, Gabriel Christie, David Cobb, Peleg Coffin, William J. Dawson, Jonathan Dayton, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, James Gordon, Samuel Griffin, Thomas Hartley, Daniel Heister, William Hindman, Henry Latimer, Amasa Learned, Andrew Moore, Peter Muhlenberg, William Vans Murray Joseph Neville, Andrew Pickens, Francis Preston, Robert Rutherford, Theodore Sedgwick, William Smith, Zephaniah Swift, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gausbeck, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Benjamin Williams, and Richard Winn.

NAYS.—John Beatty, Thomas Blount, Elias Boudinot, Thomas P. Carnes, Thomas Claiborne, Joshua Coit, Isaac Coles, George Dent, William B. Giles, James Gillespie, Andrew Gregg, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, William Montgomery, Anthony New, John Nicholas, Nathaniel Nilca, Alexander D. Orr, Josiah Parker, Thomas Scott, John Smilie, Jeremiah Smith, Israel Smith, Thomas Sprigg, Silas Talbot, George Thatcher, Thomas Tredwell, Francis Walker, and Joseph Winston.

The said bill was accordingly read the third time, and passed.

SUNDRY BILLS.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to continue in force the "Act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers;" and that Mr. Boudinot,

Mr. WILLIAM SMITH, and Mr. BENJAMIN BOURNE, do prepare and bring in the same.

Mr. GILES, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," made a report. Whereupon,

Resolved, That this House doth recede, in part, from their disagreement to the second amendment of the first section, and doth agree to the same, with an amendment, by striking out the words "one cent and a half," and inserting, in lieu thereof, "one-half a cent."

Resolved, That this House doth insist on their disagreement to the last amendment to the first section.

Resolved, That this House doth recede from their disagreement to the amendment for striking out the fourth section of the said bill.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to continue in force the act, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" and that Mr. BODINOT, Mr. WILLIAM SMITH, and Mr. BENJAMIN BOURNE, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill making appropriations for certain purposes therein expressed; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

Mr. BODINOT, from the committee appointed, presented a bill to continue in force, for a limited time, the "Act supplementary to the act for the establishment and support of light houses, beacons, buoys, and public piers;" which was read twice, and ordered to be engrossed, and read the third time to-day. The bill was subsequently read the third time, and passed.

Mr. BODINOT, from the committee appointed, presented a bill to continue in force, for a limited time, the act, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" which was read twice, and ordered to be engrossed, and read the third time to-day. The bill was subsequently read the third time, and passed.

A message from the Senate informed the House, that the Senate have agreed to a resolution that the resolution of the third instant for the adjournment of the two Houses on this day be rescinded; and that the PRESIDENT of the Senate and SPEAKER of the House of Representatives be authorized to close the present session, by adjourning their respective Houses on Monday, the ninth instant, to meet again on the day by law appointed; to which they desire the concurrence of this House.

JUNE, 1794.]

Proceedings.

[H. OF R.]

The House proceeded to consider the said resolution, and, the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the remonstrance of the people west of the Alleghany Mountains, relative to the navigation of the river Mississippi; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That, as it appears from the communications of the Executive, that the right of the United States to the free navigation of the Mississippi is now the subject of negotiation with the Court of Spain; and, as it is the interest of the United States, and every part thereof, to come to an amicable adjustment of the right in that mode, rather than resort to any means Constitutionally belonging to the Legislature, no further proceedings should be had on the said remonstrance, during the present session of Congress.

The SPEAKER laid before the House a Letter from the Secretary of War, communicating further information relative to recent events on the South-western frontiers of the United States; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the Letter from the Attorney General, of the twenty-first ultimo, accompanying a table of costs and fees for the Courts of the United States. Whereupon,

Resolved, That the table of fees reported by the Attorney General be referred back to him, with directions that he do report to this House, during the next session of Congress, such tables of fees, and regulations relative to the same, as, on a comparative view of the fees taxable in the several States, shall, in his opinion, be proper to be established for the Courts of the United States.

On motion,

Resolved, That the Secretary of the Treasury lay before the House of Representatives, at each annual session, within ten days after the commencement of the same, a distinct account of the revenues arising under the several duties and taxes, and of the expense attending the collection of each particular duty or tax, as far as such expense can be discriminated; and also of the number of officers employed in collecting the public revenue, and the allowances made to them, respectively.

FRIDAY, June 6.

It being suggested that a mistake had occurred in the enrolment of the bill entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" on motion,

Resolved, That the Committee of Enrolment be authorized to amend the enrolled bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," by striking

out the word "next," in the second line of the first section, and by inserting, instead thereof, the word "instant;" also, by making a corresponding alteration throughout the bill, and by striking out, in the title thereof, the words "and on the tonnage of ships or vessels;" that the engrossed bill be amended conformably thereto; and that the concurrence of the Senate be requested, by message, in this resolution.

A message from the Senate informed the House, that the Senate have agreed to the resolution of this House, authorizing the Committee of Enrolment to amend the enrolled bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

The present Doorkeeper of the House having omitted to perform the duties of his office for some time past,

Resolved, That the House will now proceed to choose another Doorkeeper in his room, to commence his services from and after Monday next.

The House accordingly proceeded, by ballot, to the choice of a Doorkeeper; and, upon examining the ballots, a majority of the votes of the Whole House was found in favor of Thomas Claxton.

The House resolved itself into a Committee of the Whole House on the bill to provide for a Health Officer for the town of Baltimore; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-day.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill making appropriations for certain purposes therein expressed; and the same, being read, were agreed to. The said bill was further amended at the Clerk's table, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of Griffith Jones; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to bring in a bill authorizing the proper officers of the Treasury to settle the account of Griffith Jones, as not barred by the act of limitation.

Ordered, That Mr. FINDLEY, Mr. SWIFT, Mr. VAN ALLEN, Mr. CADWALADER, and Mr. CHRISTIE, be a committee pursuant to the said resolution.

An engrossed bill to provide for a Health Officer for the town of Baltimore, was read the third time and passed.

The House proceeded to consider the report of

H. OF R.]

Registering Seamen.

[JUNE, 1794.]

the Secretary of the Treasury on the petition of Samuel Prioleau, which lay on the table: whereupon,

Resolved, That the accounting officers of the Treasury be authorized to settle the accounts of Samuel Prioleau, as not barred by the statute of limitation.

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. FINDLEY, Mr. SWIFT, Mr. VAN ALLEN, Mr. CADWALADER, and Mr. CHRISTIE, do prepare and bring in the same.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act concerning invalids;" also, the bill entitled "An act laying duties on property sold at auction," with several amendments; to which they desire the concurrence of this House: the Senate have also passed the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," with several amendments; to which they desire the concurrence of this House.

Mr. FINDLEY, from the committee appointed, presented a bill to authorize the settlement of the claims of Griffith Jones and Samuel Prioleau: which was twice read, and ordered to be engrossed and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the reports of the committee to whom was referred the memorials of the Clerks in several of the Public Offices; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That Leighton Wood, Clement C. Brown, Joshua Dawson, Joseph Stretch, Charles Tomkins, William Shepherd, John Little, John Hindman, John Matthews, George Mitchell, John Thompson, Miles F. Clossey, Benjamin Bankson, Philip Audebert, Benjamin Betterton, and Joseph Parker, Clerks in the Public Offices, and the families of George Walker, Jacob S. Howell, Charles Wilson, Thomas O'Hara, and Matthew Walker, also Clerks in the Public Offices, and of James Davison, a Clerk in the Post Office, be allowed, out of the Treasury of the United States, the sum of — dollars.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. TRACY, Mr. MONTGOMERY, and Mr. WILLIAMS, do prepare and bring in the same.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act laying duties on property sold at auction;" and, the same being read, were agreed to.

An engrossed bill to authorize the settlement of the claims of Griffith Jones and Samuel Prioleau, against the United States, was read the third time and passed.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act, entitled 'An act to promote the progress of Useful Arts;'" and, the same being read, were agreed to.

REGISTRATION OF SEAMEN.

The House resolved itself into a Committee of the Whole House on the bill for registration and protection of American seamen.

Mr. FITZSIMONS was against the bill. It would be extremely unfavorable to the American navigation; because every man on board of our vessels, who has not a certificate, will, in future, if the law takes place, be considered as *not* an American. There are not one-tenth part of the sailors of the port of Philadelphia natives of the country. They are the fragments of all nations; but they do their business for the most part very well. He thought that the bill had much better be laid aside for the present. There was one difference between this country and Britain, that had never yet been settled. Britain insists upon considering as her own lawful subjects all persons born in that country, or its dependencies, who had not been in the American service at the time when the Declaration of Independence was made. This difficulty it had never yet been found practicable to remove.

Mr. MURRAY defended the bill. It was not his intention, when he moved the consideration of this subject, to promise a complete system in this desirable point—his wish was rather to secure the advantages which certainly were within our reach, than Quixotically to encounter or to dispute the claims of foreign nations on the point which the gentleman had alluded to—Britain rested her claims to allegiance on a feudal principle, that no subject could, by any act of his own, by any change of time, place, or of oath, free himself from his allegiance to his liege lord, as that natural allegiance is indissoluble. He contests this principle, so inconvenient to mankind, at present. As the extent of this operation is a point which cannot be settled by an act of this body, it must be determined by negotiation, and a convention stipulating the precincts of right on this important question. As to the argument, that those who shall not obtain these protections will, though really Americans, be liable to impressment, it would apply with equal force to any other period at which this subject should be taken up. The very nature of the subject precludes the uniform operation of a law of this sort. As to time and place, seamen are never all of them on shore—half are generally aboard, half on shore—it is not so with laws operating on land men, who are stationary, and can be uniformly acted on, at the same moment. Besides, this bill does not render it the duty of seamen to obtain evidence. If it did, the argument would apply, as it would then be concluded, that those who had not protections were not entitled to them. The bill only enjoins it as a duty on Collectors to do certain things on application. This objection is then not to the bill, but to the nature of the subject of it. Mr. M. stated the circumstances that took place during the Nootka Sound impressment, where so many Americans were ignominiously impressed. He hoped in a few years to see a strong line drawn between our seamen and those of all other nations, and he could not believe but that if our own seamen car-

JUNE, 1794.]

Southwestern Frontier.

[H. OF R.]

ried out such evidence of birth and of citizenship as the bill demanded, even the British, whose insolence had been so recently manifested, would pay as much respect to such evidence, when entered in the ships' papers, as they will to clearances or other papers certified under the authorities of the United States.

The general object of the bill was to protect seamen from foreign impressment, but some collateral benefits naturally were attendant on the main object. By beginning a registration of seamen, the country will in time derive the advantage of knowing the number of seafaring citizens, on whom she may rely in time of war—and the municipal rights of citizens will be rendered more secure in case of intestacy occurring among a body who are fond of change, whose names, births, and place of general residence, being identified before they leave the country, their heirs will have additional security. On this part of the bill, he would remark that nothing more than an outline of a larger system than could be completely organized was intended. In time, when practice shall have pointed the attention of seamen to this subject, a very good provision may be ingrafted to great advantage under the principle of registers, the obliging of captains to return a list of the seamen who may come home, with the cause of absence of such as may not return, all of whose names will have been previously registered. This was a few years since the practice in France, and was an attention to the seamen and their interest, which was worthy of imitation, as it secured their effects and wages to their legal representatives. This, however, could not be done till usage had familiarized both captains and sailors to a practice of registering, from motives of immediate personal protection, as is intended by this bill. The Collector of the district who gives clearances to vessels is obliged by the bill to keep this book, in which he is to enter the names, ages, places of birth, and of general residence, of all American seamen who may apply with well attested proof of the fact and circumstance of birth or of citizenship. After he has entered these things in his book, he is to make a short memorandum of this in each case in the clearance of the vessels, certifying that the memorandum is from authenticated evidence. He is then to give the seamen a certificate called a protection, which will likewise be a short memorandum from the evidence stated, attested by himself, and under seal, and then return to the seaman all his original papers. The original papers are to be returned that a seaman who has once obtained them may be enabled to have similar protection granted him at any port in the United States subsequently, if he should happen to embark at a distance from the place where he could most easily obtain evidence of the highest degree, that of parents or neighbors in early life. Thus, a seaman obtaining evidence in Baltimore, might, at Boston, on another voyage, be assisted, and receive a protection. He will, of course, feel a pride, as well as interest, in the safe-keeping of these papers. They will prove frequently the means of protection and

aid to him in foreign countries, and operate by a ready association of interest and affection in his mind, as a badge of national glory, and an incentive to patriotism. We must, at least, trust to practice for protection in all provisions of this sort. We must suppose a wisdom in Government that will avail itself of that trust which practice never fails to suggest. He well knew there were many difficulties in the way, yet he did not despair of partial success, though complete security were unattainable, as long as the rights of citizenship, adverse to the obligations of natural allegiance, as it is called in England, remained unsettled, or at least not recognized between this country and Great Britain by convention. If we do not now begin the system, it must be done some other time, and the objections he had heard would apply to any other period, so it was good policy to begin now if at all.

Mr. W. SMITH objected to the bill, as at present impracticable. He moved that this Committee do now rise.

Mr. DAYTON seconded the motion. He was of opinion that we were, in this case, like a dwarf taking the standard height of a full grown man to measure himself by. All seamen of the United States, who wanted this certificate, would, in future, be seized, and it was certain that many would neglect to get it.

The Committee now rose, and the question being taken that the Committee of the Whole House have leave to sit again on the said bill. It passed in the negative.

Ordered, That the Committee to whom was committed the report of the Secretary of War on the memorial of Peter Perrit, be discharged from the further consideration of the same, and that the said memorial be again referred to the Secretary of War, with instruction further to examine the same, and make report thereon at the next session.

SOUTHWESTERN FRONTIER.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers:" whereupon,

The first amendment, to strike out the first three sections of the said bill, being read at the Clerk's table, in the words following, viz :

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to call out, from time to time, as occasion may require, any number of militia, belonging to the States of Georgia, South Carolina, North Carolina, Virginia, or the Territory South of the river Ohio, not exceeding, in the whole, ten thousand, as may at any time be by him thought necessary to carry on offensive operations against the Creek and Cherokee nations or tribes of Indians: *Provided*, That the militia to be called out be not continued in service for a longer term than six months, at any one time.

"SEC. 2. And be it further enacted, That the President of the United States be authorized to establish such military posts as he may deem necessary for the perma-

nent security of the Southwestern frontier settlers; and that the posts, so to be established, shall be guarded by troops from the line of the present Military establishment, or by the militia from the States and Territory aforesaid, as the President may judge most expedient; and between every two of the said posts there shall be kept up a constant patrol of mounted rangers.

"Sec. 3. *And be it further enacted*, That, the militia to be employed by virtue of this act shall, while in the service, be entitled to receive the same rations, pay, and clothing, or money in lieu thereof, as the troops now in the service of the United States are entitled to."

And, in lieu thereof, insert:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States shall be, and he hereby is, authorized to raise, for three years, unless sooner discharged, within the States of Georgia, South Carolina, North Carolina, and the Territory South of the Ohio, and Virginia, an additional regiment of infantry, consisting of one thousand one hundred and forty non-commissioned officers and privates, and solely to appoint the commissioned officers thereto, and organize the same, according to the present Establishment: *Provided*, That, if the President of the United States shall be of opinion that any part of the legion now in service, whether officers or privates, can, without detriment to the public service, be transferred, and constitute a part of the regiment herein provided, he be authorized to make such transfer.

"*SEC. 2. And be it further enacted*, That the non-commissioned officers, privates, and musicians, of the said regiment shall receive, as a bounty, the sum of twenty dollars, one half to be paid immediately after enlistment, the other half at the end of three months thereafter: and that they, together with the commissioned officers, shall receive the same pay and allowances, in all respects, and be governed by the same rules and articles of war, as the other troops of the United States."

Mr. GILES expressed the utmost surprise at such a proposal. First, it had been projected to raise a standing army of fifteen thousand men, then twenty-five thousand, then ten thousand; and now, when all these schemes had been put to an end, this regiment of eleven hundred and forty men has appeared. Proteus never assumed a greater number of shapes than this attempt has done. His jealousy was highly excited by such a steady adherence to an idea so extremely offensive. The people of the United States did not wish to be trodden down by a Continental army. How this amendment might sit on the stomachs of some people, he could not say; but, if he were one of the gentlemen who represented the people, from whom the requisition for defence had come, the amendment of the Senate would sit very badly indeed upon his stomach.

Mr. NICHOLAS said, that a bill had been wanted to protect the frontiers, but, by this amendment, the bill would scourge them. He wondered at the pertinacity of some people, in adhering to the idea of a standing army. Mr. N. enlarged considerably on the question before the House.

Mr. McDOWELL had lived long on the frontiers, and he believed that he understood, from personal experience, what was the proper mode of defending them, as well as perhaps any gentleman on

that floor. He was against the amendment, because he knew from repeated experiments, that regular troops were, in this kind of service, altogether useless. The militia of the frontiers, who knew the country, and whose habits of life made them perfectly acquainted with the character of the enemy whom they had to encounter, were the only proper forces to oppose the Indians, with success. But why Government should burden itself with an useless expense, or the people with a kind of defence which they disliked, Mr. McD. did not know. Perhaps there was no part of the Union that had behaved so prudently and so pacifically as the citizens on the Southwestern frontiers. Yet Indian treaties were constantly broken by the savages themselves. Gentlemen who had never been witnesses to the scene, did not feel it, with adequate comprehension or sensibility. A man went to his corn-field, along with his son, who was shot dead by his side. He came home, and found his wife and the rest of his family murdered. Circumstances of this kind, and of which Mr. McD. drew an affecting picture, were too dreadful for human patience to support.

Mr. BODDIER thought that the militia could not be kept together for six months, and that it was better to have regular troops.

Mr. AVES replied to Mr. GILES. It was wrong to say that this was part of a system, and that the twenty-five thousand men had been part of it. He saw no such thing. We have one Indian war already, which is enough at a time. Those whom we are now to quarrel with, are three times more numerous than those to the Northwest. The Creeks, Cherokees, Choctaws, and Chickasaws, were, as Mr. A. had been informed, fifteen thousand fighting men. He did not think that there were too many Indians on the frontier, any more than too many wild beasts. The one might, by skilful management, be rendered as harmless as the other. Even the success of an Indian war, by extending our frontier, augments the number of our enemies; so that the task is hopeless, and has no end. Distance from the Seat of Government would increase, and with it the charges of defence. He was not one of those who wished to exterminate these poor creatures. He recommended a system of restraint on both sides. He could wish for something as strong as the Chinese wall to separate them. When an exasperated militia went out, what were we to expect, but that the first man with a red skin whom they met would be shot? Presently you discover that you have been shooting an Indian of the wrong nation, while, in the mean time, this whole nation rises and attacks you. The Continental troops, as being less exasperated, were less apt to fall into mistakes of this kind. He did not wish the militia to be called out in such numbers, as were proposed, by the bill when sent up to the Senate. He wished, if possible, for a restraint on both parties. He was for the amendment.

Mr. MURRAY was of the same opinion. It was not once in ten times that, when an Indian was killed by a white man, the murderer could be convicted. As to the standing army being an

JUNE, 1794.]

Southwestern Frontier.

[H. or R.]

object of alarm, he ridiculed that idea. But, at any rate, it was possible to limit the operations of this regiment of eleven hundred and forty men to the Southwestern frontier, if gentlemen were afraid of their being marched up and down the country.

Mr. GILSON said, that there was something in this question, just like that some days since, about the galleys. If you do not want them, they shall not be forced upon you. He could not see their use in South Carolina. It was a body of militia that was wanted. There are no tumults in South Carolina to be repressed by a standing army. The expedition against Spain is knocked up. What occasion, then, can there be for them? He feared that this corps was only a part of the old leaven, the gilding of a bad pill. He liked this proposal better than the others of the same sort, only because, as the numbers are inferior, the evils are less. Mr. G. had no idea of hiring other people to do for us what we can do for ourselves. He had voted against the twenty-five thousand men, and the ten thousand, and he should also vote against the present number.

Mr. MADISON said, that he would not enter at large into this subject, but there was one circumstance in the business which struck him as very strange. It was proposed to raise a new corps, at a bounty of twenty dollars. The present army wanted more than the whole number of this corps to fill up its deficiencies, and yet the proposal for completing them had been rejected. Thus are we to be at the expense of supporting the skeleton of an army. Was it not better to fill up the old corps, than to put ourselves to the inconvenience of raising a new one?

Mr. McDOWELL rose to correct what had fallen from Mr. AMES, as to the strength of the Indian nations on the Southwestern frontier. The Choc-taws and Chickasaws are, and always have been, friends to the white people, and ready to fight for them. The Creeks and Cherokees do not, at the most, extend to more than seven or eight thousand men.

Mr. CARYES.—The only use that Continental troops can be of is, to defend posts; and it has been found, by the experience of several years, that posts do more mischief than service. They are established at a distance of fifteen or twenty miles from each other. The Indian parties slip in between them; and the frontier settlers, depending on the protection of the regulars, are not, as they otherwise would be, upon their guard against the savages. The consequence is, that they are frequently murdered; while the only service performed by the Continentals is, that when the militia pursue the Indians, they are prevented by the former from crossing what is called the line. That is the whole service which they have performed in Georgia. In short, against the Creeks, they are good for nothing. Mr. C. wished that gentlemen would frankly say, once for all, that the Georgians did not deserve protection, and then the State would know what was to be done. He insisted on it, that, in Georgia, there were improper leanings in favor of the Indians. He referred

to some persons in office, whom he specified. He believed sincerely that the Senate imagined themselves to be acting for the best; but they could not be such competent judges as persons on the spot. Within the last seven years, there has not been a single instance of an Indian killed, by a white man, unless when the Indians themselves began the quarrel. During the last ten or twelve years, there had been stolen from Georgia, horses to the amount of an hundred thousand dollars. These were often the chief property of poor people, who had nothing else to depend on for supporting their families. Gentlemen say that we have one Indian war already. But if you have two hands, both in the fire at once, will you pull out one before the other? The Creeks are a savage and faithless tribe. Some years ago, a treaty was made with them at New York; and this treaty cost, in presents, sixty-one thousand dollars. Well, before the chiefs got home, a fresh set of murders were committed. A set of Commissioners were next sent, and this embassy cost perhaps an hundred and fifty thousand dollars more. Gentlemen might talk as they thought fit about Indians; for his own part, he would not give the life of one white man for those of fifty Indians. The militia had been always successful against them, and the regulars had always been beaten; this showed the futility of the present amendment from the Senate. Of the successes of the militia, he gave some striking instances, where they had defeated three or four times their own number. As an evidence of the improper leaning on behalf of the Indians, Mr. C. adverted to what had just happened in Georgia. A gang of savages stole some horses. Lieutenant Hay, with a party of dragoons, pursued them, and fell into an ambuscade, where Mr. Hay and two men were killed. This was the way that the Creeks kept a peace. Soon after, an Indian, being found in the State, was wounded; and in the correspondence read the other day, to the House, it was so stated, as if the white people were to blame. It made every drop of blood in his heart boil, to hear what he heard in this city as to the character and conduct of his constituents. As a Representative of Georgia, he *demand*ed effectual aid for that State. If the House did not choose to grant it, he warned them that the Georgians would take measures for themselves. It was needless to speak of economy, after squandering such vast sums as he had mentioned, in the purchase of treaties that were never kept. He was against the amendment of the Senate.

Mr. DARTON rose to contradict one assertion, which had fallen from the gentleman, viz: that the regulars were always beaten by the Indians. If gentlemen exercised their memories, or attended to historical facts, they would see the contrary. General Sullivan had entered the country of the Six Nations, had defeated them, and destroyed their towns, and since that time they had been looked upon as a subdued people. Mr. D. was himself in the army on that expedition, and a witness to the success of the regulars. He was for the amendment.

The question was put that the House do concur

H. OF R.]

Proceedings.

[JUNE, 1794.]

with the Senate in the said amendment, and passed in the negative—yeas 26, nays 42—as follows:

YEAS.—Fisher Ames, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, James Gordon, William Hindman, Henry Latimer, Amasa Learned, Francis Malbone, William Vans Murray, Theodore Sedgwick, William Smith, Zephaniah Swift, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gausbeck, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts.

NAYS.—Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Isaac Coles, William J. Dawson, John Dearborn, William Findley, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, John Nicholas, Alexander D. Orr, Josiah Parker, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Jeremiah Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Wion, and Joseph Winston.

Ordered, That the further consideration of the said amendments be put off till to-morrow.

SATURDAY, June 7.

An engrossed bill making appropriations for certain purposes therein expressed, was read the third time and passed.

Mr. TRACY, from the committee appointed, presented a bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks; which was read twice and ordered to be engrossed, and read the third time to-day.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act making certain alterations in the act establishing the Judicial Courts, and altering the time and place of holding certain Courts," with several amendments; to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the River Ohio, between the Little Miami and Sciota,'" with several amendments; to which they desire the concurrence of this House. The Senate have also agreed to the resolution "directing the Secretary of War to make out, and return to the District Judges, certain lists, in the cases of invalid pensioners," with several amendments; to which they desire the concurrence of this House.

Resolved, That the sum of one hundred and twenty-five dollars be allowed to the clerk employed by the committee appointed to examine into the state of the Treasury Department, to be paid by the Clerk of this House, and charged to the account of Contingent expenses.

The House proceeded to consider the report of the Committee to whom was referred the petition

of Robert Lyell, which lay on the table: Whereupon a motion was made, and the question being put, that the House do come to the following resolution thereupon:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized and he is hereby directed to place Robert Lyell, a captain in the late Continental Army of the South Carolina line, upon the invalid pension list, with the annual allowance of an invalid captain of the said line, to commence at the time of his discharge, after the fall of Charleston, where he was captured by the British army:'

It passed in the negative.

Resolved, That Mr. TRUMBULL, Mr. HINDMAN, and Mr. GILMAN, be appointed a committee jointly, with such committee as shall be appointed on the part of the Senate, to wait on the PRESIDENT OF THE UNITED STATES, and to notify him of the proposed recess of Congress.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

An engrossed bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, was read the third time and passed.

The House resumed the consideration of the amendments proposed by the Senate to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers:" Whereupon,

Resolved, That this House doth disagree to all the amendments to the said bill.

A petition of Thomas Dunn was presented to the House and read, praying to be appointed Assistant Doorkeeper. Laid on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota;'" and the same being read, were agreed to.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the respective clerks in the several District Courts of the United States to return true copies of the tables of fees payable in the Supreme or Superior Courts of the State in which such clerks reside, to the Attorney General of the United States, on or before the first day of December next.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The House proceeded to consider the amendment proposed by the Senate to the resolution directing the Secretary of War to make out and return to the District Judges, certain lists in the cases of invalid pensioners, and the same being read, was agreed to.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making certain alterations in the act for

JUNE, 1794.]

Proceedings.

[H. OF R.]

establishing the Judicial Courts, and altering the time and place of holding certain Courts;" and the same being read at the Clerk's table, some were agreed to, others amended and agreed to, and others disagreed to.

The House proceeded by ballot to the choice of an Assistant Doorkeeper, to commence his services on the first day of the next session; and upon examining the ballots, a majority of the votes of the whole House was found in favor of Thomas Dunn.

Ordered, That the report of the committee to whom were referred the laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred and ninety-two, be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer."

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer," and the same being read, were agreed to.

A message from the Senate informed the House, that the Senate insist on their amendments, disagreed to by this House, to the bill, entitled "An act for the more effectual protection of the South-western frontier settlers;" and desire a conference with this House on the subject-matter of the said amendments; to which conference the Senate have appointed managers on their part.

The House proceeded to consider the said message: Whereupon,

Resolved, That this House doth agree to the conference desired by the Senate; and that Mr. NICHOLAS, Mr. CAINES, and Mr. McDOWELL, be appointed managers at the same, on the part of this House.

Mr. NICHOLAS, from the managers appointed on the part of this House, to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill for the more effectual protection of the Southwestern frontier settlers, made a report: Whereupon,

Resolved, That this House doth adhere to their disagreement to the said amendments.

The yeas and nays being demanded by one-fifth of the members present, those who voted in the affirmative, are:

Theodoros Bailey, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, William J. Dawson, William Findley, James Gillespie, Alexander Gillon, Nicholas Gilman, William Barry Grove, Daniel Heister, Nathaniel Macon, James Madison, Joseph McDowell, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Francis Preston, Thomas Scott, Jeremiah Smith, Thomas

Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Joseph Winston—30.

Those who voted in the negative, are:

Fisher Ames, Abraham Baldwin, David Cobb, Peleg Coffin, Joshua Coit, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Francis Malbone, William Vans Murray, Andrew Pickens, Theodore Sedgwick, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts—28.

Mr. TRUMBULL, from the joint committee of the two Houses appointed to wait on the PRESIDENT OF THE UNITED STATES, and notify him of the proposed recess of Congress, reported that the committee had performed that service.

Mr. TREDWELL read a resolution for reducing the salaries paid to the officers of the United States. That of the PRESIDENT was to be reduced, after the present term of appointment, to twelve thousand dollars, that of a member of Congress to four dollars per day, with various others of the same kind.

A motion to print it was rejected. It was then moved to proceed with it immediately.

Mr. WADSWORTH considered it as a good electioneering project. It would, he doubted not, be very popular; and as there were only fifty or sixty members in the House just now, they had better take it up, and try to get all the credit of it to themselves. It was, after some conversation, withdrawn by the mover.

Mr. THATCHER moved that such members as had received their pay up to Monday next, and then absented themselves, should be ordered next session to return as much as they had received for the days when absent. The motion was ordered to lie on the table.

Mr. W. SMITH laid on the table a resolution for granting a delay to persons who had suffered by spoliations in the West Indies, of the payment of duties to Government.

Ordered, That there be a call of the House on Monday morning at nine o'clock.

MONDAY, June 9.

LEWEL BENTON, from South Carolina, appeared, produced his credentials, and took his seat in the House; the oath to support the Constitution of the United States being first administered to him by Mr. SPEAKER, according to law.

On motion,

Resolved, That the Clerk of this House, with the approbation of the SPEAKER, be authorized to employ a third engrossing clerk in his office, for such time, during the next recess, as shall be found necessary, and to pay him for his services, on the SPEAKER's certificate, at the same rate as to the other engrossing clerks, out of the contingent moneys of the House.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act for the further compensation of clerks in the

H. OF R.]

Proceedings.

[JUNE, 1794.]

Auditor's Office;" to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act for the further compensation of clerks in the Auditor's Office," was read twice, and on the question that the said bill be read the third time, it passed in the negative. And so the said bill was rejected.

Mr. BENTON, from South Carolina, informed the SPEAKER, that he had been prevented by indisposition in his family, and a long voyage, from attending his duty sooner in that House. This was the day of adjournment, and he wished to inform the House, that he should decline receiving pay for his travelling expenses, or attendance. He was not willing to qualify himself this day, unless it could be noted on the journals that he had refused any compensation. He took the oath.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and payments of public moneys, from the first of January to the thirty-first of March, 1794, inclusive; which were read, and ordered to lie on the table.

Ordered, That a message be sent to the Senate, to inform them that this House, having completed the business before them, are about to adjourn; and that the Clerk of this House do go with the said message.

A message from the Senate informed the House that the Senate having completed the Legislative business before them, are now about to adjourn until the first Monday in November next. Whereupon Mr. SPEAKER adjourned the House until the first Monday in November next.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE THIRD CONGRESS, HELD IN THE CITY OF
PHILADELPHIA, NOVEMBER 3, 1794.

MONDAY, November 3, 1794.

The following Senators appeared and took their seats;

RALPH IZARD, President *pro tem.*, from South Carolina.

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire.

GEORGE CABOT, from Massachusetts.

OLIVER ELLSWORTH, from Connecticut.

THEODORE FOSTER, from Rhode Island.

MOSES ROBINSON, from Vermont.

RUFUS KING, from New York.

ROBERT MORRIS, from Pennsylvania.

JOHN BROWN, from Kentucky.

BENJAMIN HAWKINS, from North Carolina.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, November 4.

The Senate assembled: present as yesterday; JOHN VINING, from the State of Delaware, attended.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, November 5.

The Senate assembled: present as yesterday.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, November 6.

The Senate assembled: present as yesterday.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

FRIDAY, November 7.

The Senate assembled: present as yesterday.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock on Monday morning.

MONDAY, November 10.

The Senate assembled: present as on the 7th; and

JOHN ADAMS, Vice President of the United States and President of the Senate, attended.

ALEXANDER MARTIN, from the State of North Carolina, and JAMES JACKSON, from the State of Georgia, severally attended.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, November 11.

The Senate assembled: present as yesterday; and WILLIAM BRADFORD, from the State of Rhode Island, attended.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, November 12.

The Senate assembled: present as yesterday.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, November 13.

The Senate assembled: present as yesterday.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

FRIDAY, November 14.

The Senate assembled: present as yesterday.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock on Monday morning.

MONDAY, November 17.

The Senate assembled: present as on Friday.

The number assembled not being sufficient to form a quorum, the VICE PRESIDENT was requested, by the Senators present, to write a letter to each of the absent Senators, stating that a fortnight has already elapsed without the formation

SENATE.]

Proceedings.

[NOVEMBER, 1794.]

of a Senate, and urging their immediate attendance as necessary to enable Congress to commence the business of the session.

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, November 18.

AARON BURN, from New York, appeared to-day, which formed a quorum, and enabled the Senate to proceed to business.

Messages were accordingly exchanged between the two Houses, and a joint committee was appointed to wait on the PRESIDENT of the UNITED STATES, to inform him that a quorum of the two Houses is assembled, and are ready to receive any communications that he may be pleased to make to them.

Mr. IZARD, from the joint committee appointed for the purpose, reported that the PRESIDENT would meet the two Houses in the Representatives Chamber at 12 o'clock to-morrow.

The VICE PRESIDENT laid before the Senate a letter from Samuel Meredith, Treasurer of the United States, with his account of expenditures of the War Department for the quarter ending the 30th of June last; which was read, and ordered to lie on the table.

The Senate having received a Message from the House on the subject of electing a Chaplain for each House, to interchange weekly, proceeded to the choice of one, on the part of the Senate, and appointed the Right Reverend Bishop WHITE.

WEDNESDAY, November 19.

JOHN EDWARDS, from Kentucky, this day attended.

The Senate, agreeably to appointment, attended in the House of Representatives, in order to receive the PRESIDENT'S Communications; and, on their return, the PRESIDENT'S Speech was read, as follows:

*Fellow-citizens of the Senate, and
of the House of Representatives:*

When we call to mind the gracious indulgence of Heaven, by which the American people became a nation; when we survey the general prosperity of our Country, and look forward to the riches, power, and happiness, to which it seems destined; with the deepest regret do I announce to you that, during your recess, some of the citizens of the United States have been found capable of an insurrection. It is due, however, to the character of our Government, and to its stability, which cannot be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the Legislative power, granted by the Constitution of the United States, "to lay and collect excises." In a majority of the States, scarcely an objection was heard to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and embittered by the artifice of men, who labored for an ascendancy over the will of others, by the guidance of their passions, pro-

duced symptoms of riot and violence. It is well known, that Congress did not hesitate to examine the complaints which were presented; and to relieve them, as far as justice dictated, or general convenience would permit. But, the impression which this moderation made on the discontented, did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecutions was misinterpreted into a fear of urging the execution of the laws; and associations of men began to denounce threats against the officers employed. From a belief, that, by a more formal concert, their operation might be defeated, certain self-created societies assumed the tone of condemnation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now perceived, that every expectation from the tenderness which had been hitherto pursued was unavailing, and that further delay could only create an opinion of impotency or irresolution in the Government. Legal process was therefore delivered to the Marshal against the rioters and delinquent distillers.

No sooner was he understood to be engaged in this duty, than the vengeance of armed men was aimed at his person, and the person and property of the Inspector of the Revenue. They fired upon the Marshal, arrested him, and detained him, for some time, as a prisoner. He was obliged, by the jeopardy of his life, to renounce the service of other process, on the west side of the Alleghany mountain; and a deputation was afterwards sent to him to demand a surrender of that which he had served. A numerous body repeatedly attacked the house of the Inspector, seized his papers of office, and finally destroyed by fire his buildings and whatever they contained. Both of these officers, from a just regard to their safety, fled to the Seat of Government; it being avowed, that the motives to such outrages were to compel the resignation of the Inspector; to withstand by force of arms the authority of the United States; and thereby to extort a repeal of the laws of excise, and an alteration in the conduct of Government.

Upon the testimony of these facts, an Associate Justice of the Supreme Court of the United States notified to me that "in the counties of Washington and Alleghany, in Pennsylvania, laws of the United States were opposed, and the execution thereof obstructed, by combinations, too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshal of that district." On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the Judiciary was pronounced to be stripped of its capacity to enforce the laws; crimes, which reached the very existence of social order, were perpetrated without control: the friends of Government were insulted, abused, and overawed into silence, or an apparent acquiescence; and, to yield to the treasonable fury of so small a portion of the United States would be to violate the fundamental principle of our Constitution, which enjoins that the will of the majority shall prevail. On the other, to array citizen against citizen, to publish the dishonor of such excesses, to encounter the expense, and other embarrassments, of so distant an expedition, were steps too delicate, too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning the militia immediately into the field; but, I required them to be held in readiness, that, if my anxious endeavors to reclaim the deluded, and to convince the malignant of their danger, should be fruit-

NOVEMBER, 1794.]

Proceedings.

[SENATE.]

less, military force might be prepared to act, before the season should be too far advanced.

My Proclamation of the 7th of August last was accordingly issued, and accompanied by the appointment of Commissioners, who were charged to repair to the scene of insurrection. They were authorized to confer with any bodies of men or individuals. They were instructed to be candid and explicit in stating the sensations which had been excited in the Executive, and his earnest wish to avoid a resort to coercion; to represent, however, that without submission, coercion *must* be the resort; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of Executive power. Pardon, too, was tendered to them by the Government of the United States, and that of Pennsylvania, upon no other condition than a satisfactory assurance of obedience to the laws.

Although the report of the Commissioners marks their firmness and abilities, and must unite all virtuous men, by showing that the means of conciliation have been exhausted, all of those who had committed or abetted the tumults did not subscribe the mild form which was proposed as the atonement; and the indications of a peaceable temper were neither sufficiently general nor conclusive to recommend or warrant the further suspension of the march of the militia.

Thus, the painful alternative could not be discarded. I ordered the militia to march—after once more admonishing the insurgents, in my Proclamation of the 25th of September last.

It was a task too difficult to ascertain with precision the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to economy, and the ease of my fellow-citizens belonging to the militia, it would have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers. In this uncertainty, therefore, I put into motion fifteen thousand men, as being an army which, according to all human calculation, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the States of New Jersey, Pennsylvania, Maryland, and Virginia; the Governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other States.

As Commander-in-Chief of the Militia, when called into the actual service of the United States, I have visited the places of general rendezvous to obtain more exact information, and to direct a plan for ulterior movements. Had there been room for a persuasion, that the laws were secure from obstruction; that the civil Magistrate was able to bring to justice such of the most culpable as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and homes. But, succeeding intelligence has tended to manifest the necessity of what has been done; it being now confessed by those who were not inclined to exaggerate the ill conduct of the insurgents, that their malevolence was not pointed merely to a particular law, but that a spirit inimical to all order, has actuated many of the offenders. If the state of things had af-

forded reason for the continuance of my presence with the army, it would not have been withholden. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the Seat of Government, leaving the chief command with the Governor of Virginia.

Still, however, as it is probable that, in a commotion like the present, whatever may be the pretence, the purposes of mischief and revenge may not be laid aside, the stationing of a small force, for a certain period, in the four western counties of Pennsylvania, will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others, who may have exposed themselves by an honorable attachment to them. Thirty days from the commencement of this session being the legal limitation of the employment of the militia, Congress cannot be too early occupied with this subject.

Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation, that not only the Inspector of the Revenue, but other officers of the United States in Pennsylvania, have, from their fidelity in the discharge of their functions, sustained material injuries to their property. The obligation and policy of indemnifying them are strong and obvious. It may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the ties of office, may have suffered damage by their generous exertions for upholding the Constitution and the laws. The amount, even if all the injured were included, would not be great; and, on future emergencies, the Government would be amply repaid by the influence of an example, that he who incurs a loss in its defence, shall find a recompense in its liberality.

While there is cause to lament that occurrences of this nature should have disgraced the name, or interrupted the tranquility, of any part of our community, or should have diverted, to a new application, any portion of the public resources, there are not wanting in real and substantial consolations for the misfortune. It has demonstrated, that our prosperity rests on solid foundations; by furnishing an additional proof that my fellow-citizens understand the true principles of Government and liberty; that they feel their inseparable union; that, notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle displaying to the highest advantage the value of Republican government, to behold the most and the least wealthy of our citizens standing in the same ranks, as private soldiers, pre eminently distinguished by being the army of the Constitution; undeterred by a march of three hundred miles over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic co-operation which I have experienced from the Chief Magistrates of the States to which my requisitions have been addressed.

To every description of citizens, indeed, let praise be given. But, let them persevere in their affectionate vigilance over that precious depository of American happiness, the Constitution of the United States. Let them cherish it, too, for the sake of those who, from every clime, are daily seeking a dwelling in our land. And when, in the calm moments of reflection, they shall

have retraced the origin and progress of the insurrection, let them determine whether it has not been followed by combinations of men, who, careless of consequences, and disregarding the unerring truth that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations, of the whole Government.

Having thus fulfilled the engagement which I took, when I entered into office, "to the best of my ability to preserve, protect, and defend, the Constitution of the United States," on you, gentlemen, and the people by whom you are deputed, I rely for support.

In the arrangements to which the possibility of a similar contingency will naturally draw your attention, it ought not to be forgotten that the militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. Besides the extraordinary expense and waste, which are not the least of the defects, every appeal to those laws is attended with a doubt on its success.

The devising and establishing of a well-regulated militia would be a genuine source of Legislative honor, and a perfect title to public gratitude. I, therefore, entertain the hope, that the present session will not pass, without carrying, to its full energy, the power of organizing, arming, and disciplining the militia: and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrection, and repel invasions.

As auxiliary to the state of our defence, to which Congress can never too frequently recur, they will not omit to inquire whether the fortifications, which have been already licensed by law, be commensurate with our exigencies.

The intelligence from the army under the command of General Wayne is a happy presage to our military operations against the hostile Indians North of the Ohio. From the advices which have been forwarded, the advance which he has made must have damped the ardor of the savages, and weakened their obstinacy in waging war against the United States. And yet, even at this late hour, when our power to punish them cannot be questioned, we shall not be unwilling to cement a lasting peace, upon terms of candor, equity, and good neighborhood.

Towards none of the Indian tribes have overtures of friendship been spared. The Creeks, in particular, are covered from encroachment by the interposition of the General Government, and that of Georgia. From a desire, also, to remove the discontents of the Six Nations, a settlement meditated at Presqu'isle, on Lake Erie, has been suspended; and an agent is now endeavoring to rectify any misconception into which they may have fallen. But I cannot refrain from again pressing upon your deliberations the plan which I recommended at the last session, for the improvement of harmony with all the Indians within our limits, by the fixing and conducting of trading houses upon the principles then expressed.

Gentlemen of the House of Representatives:

The time which has elapsed since the commencement of our fiscal measures has developed our pecuniary resources, so as to open the way for a definitive plan for the redemption of the Public Debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents.

Indeed, whatsoever is unfinished of our system of public credit, cannot be benefited by procrastination; and, as far as may be practicable, we ought to place that credit on grounds which cannot be disturbed, and to prevent that progressive accumulation of debt, which must ultimately endanger all Governments.

An estimate of the necessary appropriations, including the expenditures into which we have been driven by the insurrection, will be submitted to Congress.

Gentlemen of the Senate, and

of the House of Representatives:

The Mint of the United States has entered upon the coinage of the precious metals; and considerable sums of defective coins and bullion have been lodged with the Director, by individuals. There is a pleasing prospect that the institution will, at no remote day, realize the expectation which was originally formed of its utility.

In subsequent communications, certain circumstances of our intercourse with foreign nations will be transmitted to Congress. However, it may not be unseasonable to announce that my policy, in our foreign transactions, has been to cultivate peace with all the world; to observe treaties with pure and absolute faith; to check every deviation from the line of impartiality; to explain what may have been misapprehended, and correct what may have been injurious to any nation; and, having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.

Let us unite, therefore, in imploring the Supreme Ruler of Nations to spread his Holy protection over these United States; to turn the machinations of the wicked to the confirming of our Constitution; to enable us, at all times, to rout out internal sedition, and put invasion to flight; to perpetuate to our country that prosperity which His goodness has already conferred, and to verify the anticipations of this Government being a safeguard to human rights.

G. WASHINGTON.

UNITED STATES, November 19, 1794.

Ordered, That Messrs. KING, ELLSWORTH, and IZARD, be a committee to report the draft of an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech this day, to both Houses of Congress.

The VICE PRESIDENT laid before the Senate the Report of the Commissioners of the Sinking Fund, which was read, as follows:

"The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to Congress as follows:

"That, pursuant to the act, entitled 'An act making provision for the redemption of the Public Debt,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have, since their report dated the 16th of December, 1793, caused purchases of the said debt to be made, through the agency of Samuel Meredith, to the amount of one hundred and thirty-nine thousand and seventy-seven dollars and eighty-eight cents, for which there have been paid in specie one hundred thousand and sixty-one dollars and seventy-six cents.

"That, pursuant to the act, entitled 'An act supplementary to the act making provision for the Debt of the United States,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have also caused purchases of the said debt to be made, subsequent to their said report

NOVEMBER, 1794.]

Proceedings.

[SENATE.]

of the sixteenth day of December, 1793, to the amount of one hundred and six thousand seven hundred and fifty dollars and thirty-seven cents, for which there have been paid eighty-five thousand eight hundred and thirty-two dollars and ninety-one cents in specie.

"That the documents accompanying this report, marked B, C, D, and E, show the aforesaid purchases generally and in detail, including the places where, the times when, the prices at which, and the persons of whom, the purchases were made.

"That the documents marked A show the proceedings of the accounting officers of the Treasury in respect to the settlement of an account for the expenditure of fifty thousand dollars in purchases which were stated in our former report, at the date of which the said settlement had not been completed.

"That the purchases now and heretofore reported, amount together to two millions two hundred and sixty-five thousand and twenty two dollars and fifty-seven cents in stock, for which there have been paid in specie, one million five hundred and eighty-one thousand three hundred and twenty-three dollars and sixty-seven cents, as will be more particularly seen by the document marked F.

"On behalf of the Board,

"JOHN ADAMS.

"PHILADELPHIA, November 18, 1794."

Ordered, That this report lie on the table.

THURSDAY, November 20.

A Message was received from the PRESIDENT OF THE UNITED STATES, with the following communications, to wit:

No. 1. Judge Wilson's certificate.

2. The first Proclamation of 7th August.

3. The Instructions to the Commissioners.

4. The Report of the Commissioners.

5. The second Proclamation of 25th September.

6. The correspondence between the Governor of Pennsylvania and the Secretary for the Department of State.

7 The Report from the Secretary of the Treasury to the President of the United States.

8. Instructions to the Governor of Virginia.

9. General Wayne's Letters.

10. Papers respecting the Creek Indians and the State of Georgia.

11. Letters with respect to Presqu'isle.

12. A Letter from the Director of the Mint.

These papers were in part read.

Ordered, That the further reading thereof be postponed until to-morrow.

Mr. KING, from the committee, reported an Address to the PRESIDENT OF THE UNITED STATES, in reply to his Speech of the 19th, to both Houses of Congress, which was read.

Ordered, That to-morrow be assigned to take this report into consideration.

FRIDAY, November 21.

The Senate took into consideration the report of the committee, in reply to the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress at the opening of the session; and it

was agreed to consider the report in paragraphs.

On motion by Mr. BURR, seconded by Mr. JACKSON, to expunge these words:

"Our anxiety, arising from the licentious and open resistance to the laws in the Western counties of Pennsylvania, has been increased by the proceedings of certain self created societies, relative to the laws and administration of the Government; proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government, and, which, by inspiring delusive hopes of support, have been influential in misleading our fellow-citizens in the scene of insurrection."

It passed in the negative.

On motion to amend the paragraph respecting the Army, under the command of General Wayne, to be read as follows:

"The pleasure with which we learn the success of the Western Army under the command of General Wayne, is enhanced by the hope, that their victories will lay the foundation of a just and durable peace with the Indian tribes."

It passed in the negative.

On motion to strike out of the paragraph respecting the Western Army, the words: "General and:" it passed in the negative.

And the several paragraphs reported by the committee being agreed to, the report was adopted, as follows:

SIR: We receive with pleasure your Speech to the two Houses of Congress. In it we perceive renewed proofs of that vigilant and paternal concern for the prosperity, honor, and happiness of our country, which has uniformly distinguished your past administration.

Our anxiety, arising from the licentious and open resistance to the laws in the Western counties of Pennsylvania, has been increased by the proceedings of certain self-created societies, relative to the laws and administration of the Government; proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government, and which, by inspiring delusive hopes of support, have been influential in misleading our fellow citizens in the scene of insurrection.

In a situation so delicate and important, the lenient and persuasive measures which you adopted, merit and receive our affectionate approbation. These failing to procure their proper effect, and coercion having become inevitable, we have derived the highest satisfaction from the enlightened patriotism and animating zeal with which the citizens of New Jersey, Pennsylvania, Maryland, and Virginia, have rallied around the standard of Government, in opposition to anarchy and insurrection.

Our warm and cordial acknowledgments are due to you, sir, for the wisdom and decision with which you arrayed the militia, to execute the public will; and to them, for the disinterestedness and alacrity with which they obeyed your summons.

The example is precious to the theory of our Government, and confers the brightest honor upon the patriots who have given it.

We shall readily concur in such farther provisions for the security of internal peace and a due obedience to the laws, as the occasion manifestly requires.

The effectual organization of the militia, and a prudent attention to the fortifications of our ports and harbors, are subjects of great national importance, and, to-

SENATE.]

Proceedings.

[NOVEMBER, 1794.]

gether with the other measures you have been pleased to recommend, will receive our deliberate consideration.

The success of the troops under the command of General Wayne cannot fail to produce essential advantages. The pleasure with which we acknowledge the merits of that gallant General and Army, is enhanced by the hope that their victories will lay the foundation of a just and durable peace with the Indian tribes.

At a period so momentous in the affairs of nations, the temperate, just, and firm policy that you have pursued, in respect to foreign Powers, has been eminently calculated to promote the great and essential interest of our country, and has created the fairest title to the public gratitude and thanks.

JOHN ADAMS,

*Vice President of the United States
and President of the Senate.*

Ordered, That the Committee who prepared the Address wait on the PRESIDENT OF THE UNITED STATES, and desire him to acquaint the Senate at what time and place it will be most convenient for him that it should be presented.

Mr. KING reported, from the committee, that they had waited on the PRESIDENT OF THE UNITED STATES, and that he would receive the Address of the Senate to-morrow at 12 o'clock at his own house.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

Gentlemen of the Senate, and

of the House of Representatives :

I lay before Congress copies of a Letter from the Governor of the State of New York, and of the exemplification of an Act of the Legislature thereof, ratifying the amendment of the Constitution of the United States, proposed by the Senate and House of Representatives, at their last session, respecting the Judicial power.

G. WASHINGTON.

UNITED STATES, November 21, 1794.

Ordered, That the Message and papers referred to lie on file.

The VICE PRESIDENT laid before the Senate a certificate of notice given to Rufus Putnam and others, agreeably to the order of Senate of 13th of May last, to show cause respecting the claims of the people of Gallipolis; which was read and ordered to lie on the table.

Ordered, That Messrs. LANGDON, IZARD, and BURR, be a Committee to report such Rules as may be necessary to compel the attendance of the members of the Senate.

SATURDAY, November 22.

The Senate waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, presented the Address agreed to on the 21st instant.

To which the PRESIDENT OF THE UNITED STATES was pleased to make the following Reply :

Gentlemen :

Among the occasions which have been afforded for expressing my sense of the zealous and steadfast co-operation of the Senate, in the maintenance of Government, none has yet occurred more forcibly demanding my unqualified acknowledgments than the present.

Next to the consciousness of upright intentions, it is the highest pleasure to be approved by the enlightened Representatives of a free nation. With the satisfaction, therefore, which arises from an unalterable attachment to public order, do I learn, that the Senate discountenance those proceedings, which would arrogate the direction of our affairs, without any degree of authority derived from the people.

It has been more than once the lot of our Government to be thrown into new and delicate situations; and of these, the insurrection has not been the least important. Having been compelled at length to lay aside my repugnance to resort to arms, I derive much happiness from being confirmed by your judgment in the necessity of decisive measures, and from the support of my fellow-citizens of the militia, who were the patriotic instruments of that necessity.

With such demonstrations of affection for our Constitution; with an adequate organization of the militia; with the establishment of necessary fortifications; with a continuance of those judicious and spirited exertions which have brought victory to our Western Army; with a due attention to public credit and an unsullied honor towards all nations; we may meet, under every assurance of success, our enemies from within and from without.

G. WASHINGTON.

The Senate returned to their own Chamber, and then adjourned.

MONDAY, November 24.

JOHN RUTHERFORD, from New Jersey, attended.

The reading of the papers communicated by the PRESIDENT OF THE UNITED STATES, the 20th instant, was resumed; and, after progress, the further reading thereof was postponed.

TUESDAY, November 25.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

Gentlemen of the Senate, and

of the House of Representatives :

I lay before you a statement of the troops in the service of the United States, which has been submitted to me by the Secretary of War. It will rest with Congress to consider and determine whether further inducements shall be held out for entering into the military service of the United States, in order to complete the establishment authorized by law.

G. WASHINGTON.

UNITED STATES, November 25, 1794.

The Message and papers were read, and ordered to lie for consideration.

The reading of the papers communicated from the PRESIDENT OF THE UNITED STATES, the 20th instant, was resumed; and, after progress, the Senate adjourned.

WEDNESDAY, November 26.

JOHN HENRY, from Maryland, and JAMES ROSS, from Pennsylvania, severally attended.

A message from the House of Representatives, informed the Senate that the House have passed

DECEMBER, 1794.]

Proceedings.

[SENATE.]

a bill, entitled "An act extending the privilege of franking to JAMES WHITE, the delegate from the Territory of the United States South of the river Ohio; and making provision for his compensation;" in which they desire the concurrence of the Senate. Also, that the House of Representatives have, on their part, elected the Rev. ASHBEL GREEN, a Chaplain to Congress, for the present session.

The bill last mentioned was read, and ordered to a second reading.

The papers communicated from the PRESIDENT of the UNITED STATES, the 20th instant, were read, and ordered to lie for consideration.

THURSDAY, November 27.

The bill, entitled "An act extending the privilege of franking to JAMES WHITE, the Delegate from the Territory of the United States South of the river Ohio, and making provision for his compensation," was read the second time, and ordered to a third reading.

A message from the House of Representatives, informed the Senate that the House have passed a bill, entitled "An act to authorize the PRESIDENT to call out and station a corps of militia in the four Western counties of Pennsylvania for a limited time;" in which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to a second reading.

FRIDAY, November 28.

STEPHEN R. BRADLEY, from Vermont, and CALLEB STRONG, from Massachusetts, severally attended.

The bill, entitled "An act extending the privilege of franking to JAMES WHITE, the Delegate from the Territory of the United States South of the river Ohio, and making provision for his compensation," was read the third time and passed.

The bill, entitled "An act to authorize the PRESIDENT to call out and station a corps of militia in the four Western counties of Pennsylvania, for a limited time," was read the second and third time, and passed.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his specie account for the quarter ending 30th June, together with his War Department account, ending 30th September last. The Letter and accounts were ordered to lie on the table.

MONDAY, December 1.

No business of importance came before the Senate to-day.

TUESDAY, December 2.

Ordered, That Messrs. MORRIS, ELLSWORTH, and CANOR, be a committee to examine the demands of Griffith Jones, Samuel Prioleau, and John R. Livingston, respectively, against the United States, and, if they think proper, to report a bill for their payment.

WEDNESDAY, December 3.

The following Message was received from the PRESIDENT of the UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you an official statement of the expenditure, to the 30th of September last, from the sums heretofore granted to defray the contingent expenses of Government, by acts passed the 26th day of March, 1790, and the 9th of June, 1794.

G. WASHINGTON.

UNITED STATES, December 3, 1794.

The Message and statement were read, and ordered to lie for consideration.

On motion,

"That a committee be appointed to bring in a bill to amend and explain the last clause of the twenty-second section of the act, entitled 'An act to establish the Judicial Courts of the United States,' which respects the security to be given on obtaining a writ of error."

Ordered, That the consideration of this motion be postponed until to-morrow.

THURSDAY, December 4.

The motion made yesterday, for a committee to bring in a bill to amend and explain the last clause of the twenty-second section of the act, entitled "An act to establish the Judicial Courts of the United States," which respects the security to be given on obtaining a writ of error, was considered and agreed to; and Messrs. LIVERMORE, ELLSWORTH, and BURR, were appointed on the committee.

FRIDAY, December 5.

Mr. LIVERMORE, from the committee appointed for the purpose, reported a bill to amend and explain the twenty-second section of the "Act establishing the Judicial Courts of the United States;" which was read the first time, and ordered to a second reading.

A motion was made, that a committee be appointed, to confer with such committee as the House of Representatives may for that purpose appoint, to inquire what business is necessary to be done during the present session.

Ordered, That this motion lie for consideration.

MONDAY, December 8.

The bill to amend and explain the twenty-second section of the "Act establishing the Judicial Courts of the United States," was read the second and third times, and passed.

The motion made the 5th instant, that a committee be appointed, to confer with such committee as the House of Representatives may for that purpose appoint, to inquire what business is necessary to be done during the present session, was considered.

On motion to amend this motion, to be read as follows:

"That a committee be appointed to consider and report what business it will be proper for the Senate to take up:"

SENATE.]

Proceedings.

[DECEMBER, 1794.]

It passed in the negative. And the original motion being agreed to, it was

Resolved, That MESSRS. BURR, ELLSWORTH, and STRONG, be a committee, to confer with such committee as the House of Representatives may for that purpose appoint, to inquire what business is necessary to be done during the present session.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act for the relief of Peter Covenhoven," in which they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to a second reading.

TUESDAY, December 9.

RICHARD PORTS, from Maryland, attended to-day.

The bill, entitled "An act for the relief of Peter Covenhoven," was read the second time and referred to MESSRS. JACKSON, RUTHERFORD, and BURR, to consider and report thereon to the Senate.

Mr. BURR notified to the Senate that he should, to-morrow, move for permission to introduce a bill to amend the act, entitled "An act to establish the Post Office and Post Roads within the United States."

WEDNESDAY, December 10.

Agreeably to notice given yesterday, Mr. BURR had leave to bring in a bill to amend the act, entitled "An act to establish the Post Office and Post Roads within the United States," which was read the first time, and ordered to a second reading.

A motion was made that a committee be appointed to consider the expediency of passing an act of outlawry, declaring in what cases persons may be outlawed, what shall be the process of outlawry, and what its effects; and to report a bill, if they shall think proper.

Ordered, That this motion lie for consideration until to-morrow.

Ordered, That MESSRS. ELLSWORTH, BURR, and BRADLEY, be a committee to revise the provisions for the employment and compensation of clerks in the public offices; and, if they find alterations to be necessary, to report a bill for that purpose.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act making appropriations for the support of Government for the year 1795;" also, the bill, entitled "An act authorizing a Loan of two millions of dollars;" in which several bills they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to a second reading.

THURSDAY, December 11.

FREDERICK FRELINGHUYSEN, from New Jersey, attended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you, for consideration, a representation

made to me by the Secretary of the Treasury, on the subject of constituting an officer, to be specially charged with the business of procuring certain public supplies.
G. WASHINGTON.

UNITED STATES, December 11, 1794.

The Message and report therein mentioned were read, and referred to MESSRS. STRONG, FRELINGHUYSEN, and CABOT, to consider and report thereon to the Senate.

The motion made yesterday, for a committee to consider the expediency of passing an act of outlawry, declaring in what cases persons may be outlawed, what shall be the process of outlawry, and what its effects, was considered and agreed to; and MESSRS. ELLSWORTH, STRONG, and ROSS, were appointed a committee to report thereon to the Senate.

The bill to amend the act, entitled "An act to establish the Post Office and Post Roads within the United States," was read the second time, and referred to MESSRS. BURR, LIVERMORE, and FOSTER, to consider and report thereon to the Senate.

The bill, entitled "An act authorizing a Loan of two millions of dollars," was read the second time, and referred to MESSRS. ELLSWORTH, CABOT, and BRADLEY, to consider and report thereon to the Senate.

The bill, entitled "An act making appropriations for the support of Government for the year 1795," was read the second time, and referred to MESSRS. RUTHERFORD, BRADFORD, and CABOT, to consider and report thereon to the Senate.

FRIDAY, December 12.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased;" also, a bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes;" to which bills they desire the concurrence of the Senate.

The bills last sent from the House of Representatives for concurrence were severally read, and ordered to a second reading.

MONDAY, December 15.

STEPHEN MIX MITCHELL, from Connecticut, attended to-day.

Mr. ELLSWORTH, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of two millions of dollars, reported that the bill pass without amendment.

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased," was read the second time, and referred to MESSRS. STRONG, BRADLEY, and EDWARDS, to consider and report thereon to the Senate.

DECEMBER, 1794.]

Proceedings.

[SENATE.]

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," was read the second time, and referred to Messrs. HAWKINS, BURR, and ELLSWORTH, to consider and report thereon to the Senate.

Mr. STRONG, from the committee to whom was referred the consideration of the Message of the PRESIDENT OF THE UNITED STATES, of the 11th of December, with a representation from the Secretary for the Department of the Treasury, on the expediency of constituting an officer, to be specially charged with the business of procuring certain public supplies, reported a bill for that purpose; which was read the first time, and ordered to a second reading.

TUESDAY, December 16.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to Congress the copy of a Letter from the Secretary of State, with his account, as adjusted with the Treasury Department, of the expenditure of moneys appropriated for our intercourse with foreign nations, up to the 1st of July, 1794.

G. WASHINGTON.

UNITED STATES, December 16, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of two millions of dollars," was read the third time, and passed.

The bill to establish the office of Purveyor of Supplies was read the second time, and recommitted, for the purpose of more explicitly inserting the clauses prohibiting the officer named from commercial negotiations.

Mr. BURR, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" reported an amendment, which was adopted, and the bill being further amended, was ordered to be read the third time on the first Monday in January next.

Mr. STRONG, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the officers of the Treasury to audit and pass the account of Edward Blanchard, deceased," reported that the bill pass without amendment; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

WEDNESDAY, December 17.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

3d CON.—26

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before Congress copies of the Journal of the proceedings in the Executive Department of the Government of the United States South of the river Ohio, to the first of September, 1794.

G. WASHINGTON.

UNITED STATES, December 17, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

Mr. HAWKINS, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to regulate the pay of non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," reported that the bill pass without amendment.

Ordered, That this report lie for consideration.

The VICE PRESIDENT laid before the Senate a confidential communication from the Secretary for the Department of War, made by order of the PRESIDENT OF THE UNITED STATES, which was read, and ordered to lie for consideration.

THURSDAY, December 18.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes."

On motion to expunge the fourth section of the bill as follows:

"And be it further enacted, That, in addition to the pay heretofore authorized by law, there shall be allowed and paid to the non-commissioned officers, musicians, and privates, of the militia lately called forth into the actual service of the United States, on an expedition to Fort Pitt, such sums as shall, with the pay heretofore by law established, be equal to the allowances respectively provided in the first section of this act: *Provided, nevertheless,* That the compensations made by any State, to the militia called forth from such State, shall be deemed to be included in the additional allowance authorized by this act; and such State shall be entitled to receive from the Treasury of the United States such sums as they shall have paid or allowed to the non-commissioned officers, musicians, and privates, over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act."

It passed in the negative—yeas 9, nays 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Edwards, Jackson, Langdon, Livermore, Martin, and Robinson.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Mitchell, Morris, Potts, Ross, Rutherford, and Strong.

Ordered, That this bill pass to a third reading.

FRIDAY, December 19.

Mr. STRONG, from the committee to whom was recommitted the bill to establish the office of Pur-

SENATE.]

Proceedings.

[DECEMBER, 1794.]

voyor of Supplies, reported amendments, which were read and adopted.

Ordered, That this bill pass to a third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," was read the third time.

On motion to expunge these words, section first, "and sixty-six cents," it passed in the negative.

On motion to add these words, section fourth, after the word "State," "upon the late or upon any former occasion," it passed in the negative—yeas 4, nays 17, as follows:

YEAS.—Messrs. BROWN, Edwards, Martin, and Robinson.

NAYS.—Messrs. Bradford, Bradley, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Langdon, Livermore, Mitchell, Morris, Potts, Ross, Rutherford, and Strong.

On motion the following amendments were agreed to:

Section 4th, after the word "first," insert "and second;" and make the word "section" plural.

To the end of the bill add:

"And to each recruit, who shall be enlisted after the said first day of January, in addition to the bounty authorized by law, a bounty of eight dollars."

On the question, Shall this bill pass as amended? it passed in the affirmative—yeas 15, nays 6, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Edwards, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Mitchell, Morris, Potts, Ross, and Strong.

NAYS.—Messrs. Brown, Langdon, Livermore, Martin, Robinson, and Rutherford.

So it was resolved that this bill pass as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of the Military Establishment for the year one thousand seven hundred and ninety-five, and for the expenses of the militia lately called into the service of the United States," in which they desire the concurrence of the Senate.

The bill last mentioned was read, and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and referred to Messrs. LANGDON, KING, and CABOT, to consider and report thereon to the Senate.

Mr. RUTHERFORD, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-five," reported amendments, which were read and agreed to.

Ordered, That this bill pass to a third reading.

MONDAY, December 22.

Mr. LANGDON, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act

making Appropriations for the support of the Military Establishment for the year one thousand seven hundred and ninety-five, and for the expenses of the militia lately called into the service of the United States," reported the bill without amendment; and the report being adopted,

Ordered, That this bill pass to a third reading.

The VICE PRESIDENT laid before the Senate a communication from the Secretary for the Department of War, with representations from Governor Blount and others, respecting Indian affairs; which was read, and ordered to lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-five," was read the third time. On motion, the sum appropriated for payment of the pension of the late Baron Steuben was expunged, and the gross sum mentioned in the first clause of the bill conformed to this amendment.

Resolved, That this bill pass with amendments.

The bill to establish the office of Purveyor of Supplies was read the third time, and passed.

TUESDAY, December 23.

The bill, sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of the Military Establishment, for the year one thousand seven hundred and ninety-five, and for the expenses of the militia lately called into the service of the United States," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing a transfer of the stock standing to the credit of certain States," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to a second reading.

WEDNESDAY, December 24.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the transfer of the stock standing to the credit of certain States," was read the second time, and referred to Messrs. BRADFORD, LANGDON, and BROWN, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate, with an amendment to their last amendment, to the bill entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes;" to which amendment to the amendment they desire the concurrence of the Senate.

The amendment to the amendment was read, and referred to Messrs. ELLSWORTH, KING, and HAWKINS, to consider and report thereon to the Senate.

DECEMBER, 1794.]

Proceedings.

[SENATE.]

Mr. JACKSON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Peter Covenhoven," reported that the bill pass without amendment; and the report was agreed to.

Ordered, That this bill pass to a third reading.

FRIDAY, December 26.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Peter Covenhoven," was read the third time, and passed.

Mr. ELLSWORTH reported, from the committee to whom was referred the amendment proposed by the House of Representatives to an amendment of the Senate, to the bill entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes;" and the report was adopted. Whereupon,

Resolved, That the Senate disagree to the amendment to their last amendment, and *insist* on their said amendment, and ask a conference on the disagreeing votes of the two Houses; and that Messrs. KING, ELLSWORTH, and HAWKINS, be managers at the same on the part of the Senate.

Mr. BRADFORD reported, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the transfer of the stock standing to the credit of certain States," that the bill pass without amendment; and the report was adopted.

Ordered, That this bill pass to a third reading.

MONDAY, December 29.

HENRY TAZEWEILL, appointed a Senator by the State of Virginia, in the place of JOHN TAYLOR, resigned, produced his credentials, which were read, and the VICE PRESIDENT administered to him the oath required by law, and he took his seat in the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing the transfer of the stock standing to the credit of certain States," was read the third time and passed.

A message from the House of Representatives informed the Senate that the House agree to the proposed conference on the disagreeing votes of the two Houses on the bill entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," and have appointed managers at the same on their part.

Ordered, That the petition of Elkanah Prentice, together with the report of the Secretary for the Department of War thereon, be referred to Messrs. BRADLEY, LIVERMORE, and BRADFORD, to consider and report thereon to the Senate.

A motion was made,

"That a committee be appointed to examine and amend the provisions of the Judiciary laws, so far as

they respect the powers of the Judges to appoint special sessions of the Circuit Courts."

Ordered, That this motion lie for consideration until to-morrow.

Mr. BRADLEY, from the committee last mentioned, reported, that the prayer of the petitioner cannot be granted; and the report was adopted.

Mr. KING laid before the Senate a report which was read, as follows:

"The Committees on the part of the Senate, and on the part of the House of Representatives, appointed to confer on the different votes of the two Houses, on the bill, entitled, "An act to regulate the pay of the non-commissioned officers, musicians, and privates of the militia of the United States, when called into actual service; and for other purposes," have conferred and agreed, that it will be proper for the Senate to agree to the amendment of the House of Representatives to the amendment proposed by the Senate, and disagreed to by the House of Representatives, with the following amendments, viz:

Strike out "four," and insert "eight;" strike out "twelve," and insert "sixteen;" strike out "two," and insert "six;" strike out "ten," and insert "fourteen;" strike out from "dollars" to the end of the section, and insert "but the payment of four dollars of each additional bounty hereby granted, shall be deferred until the soldier enlisting shall join the regiment or corps in which he is to serve."

"And be it further enacted, That, to those in the military service of the United States, who are, or shall be, employed on the Western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour, or bread, and two ounces of beef, or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations."

"And that it will be proper for the House of Representatives to agree to such amendments of their amendment to the amendment proposed by the Senate."

Whereupon,

Resolved, That the Senate so far recede from their amendment disagreed to by the House of Representatives, as to adopt the report of the committee, and that the bill be amended accordingly.

Ordered, That the Secretary acquaint the House of Representatives therewith.

TUESDAY, December 30.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a loan made of the Bank of the United States;" in which they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to a second reading.

The consideration of the motion made yesterday, that a committee be appointed to examine and amend the provisions of the Judiciary, was resumed, and being amended, was adopted. Whereupon,

Ordered, That Messrs. ROSS, ELLSWORTH, and STRONG, be a committee to consider the expediency of bringing in a bill to amend the provisions

of the Judiciary laws, so far as they respect the powers of the Judges to appoint special sessions of the Circuit Courts.

Mr. Ross, from the committee to whom was referred the motion made yesterday, that a committee be appointed to examine and amend the provisions of the Judiciary, reported a bill for the purpose, which was read, and ordered to a second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you a Report made to me by the Secretary of War, respecting the frontiers of the United States. The disorders and the great expenses which incessantly arise upon the frontiers, are of a nature and magnitude to excite the most serious considerations.

I feel a confidence that Congress will devise such Constitutional and efficient measures as shall be equal to the great objects of preserving our treaties with the Indian tribes, and of affording an adequate protection to our frontiers.

G. WASHINGTON.

UNITED STATES, December 30, 1794.

The Message and papers therein referred to were read, and ordered to be printed for the use of the Senate.

WEDNESDAY, December 31.

The bill to authorize the holding of special Courts in certain cases, was read the second time, and the further consideration thereof postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the payment of certain instalments of foreign Debts, and of the third instalment due on a loan made of the Bank of the United States," was read the second time, and ordered to a third reading.

The VICE PRESIDENT laid before the Senate a report from the Secretary for the Department of War, respecting invalid pensioners, in pursuance of the act, entitled "An act to regulate claims to invalid pensions;" which was read, and ordered to lie for consideration.

Ordered, That Messrs. STRONG, BRADFORD, and ELLSWORTH, be a committee to consider the expediency of further extending the time for receiving on Loan the Domestic Debt of the United States, and, if they think proper, to report a bill for the purpose.

THURSDAY, January 1, 1795.

Mr. STRONG, from the committee appointed to consider the expediency of further extending the time for receiving on Loan the Domestic Debt of the United States, reported a bill for the purpose, which was read, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States," was read the third time, and passed.

The second reading of the bill to authorize the

holding of special Courts in certain cases, was resumed, and the further consideration of the bill was postponed until the 11th of February next.

FRIDAY, January 2.

The bill further extending the time for receiving on Loan the Domestic Debt of the United States, was read the second time, and ordered to be engrossed for the third reading.

MONDAY, January 5.

The bill further extending the time for receiving on Loan the Domestic Debt of the United States, was read the third time, and passed.

The consideration of the bill to amend an act, entitled "An act to establish the Post Office and Post Roads," was resumed, and the consideration thereof further postponed.

TUESDAY, January 6.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers;" and the bill, entitled "An act making further provision in cases of drawbacks;" in which several bills they desire the concurrence of the Senate.

These bills were read the first time, and ordered to a second reading.

WEDNESDAY, January 7.

Mr. CABOT, from the committee to whom was referred, on the 2d December last, the examination of the demands of Griffith Jones, Samuel Prioleau, and John R. Livingston, against the United States, reported a bill to authorize the settlement of the claim of Samuel Prioleau, which was read, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for the ascertainment of certain losses of the officers of Government and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers," was read the second time, and referred to Messrs. POTTS, JACKSON, and ROSS, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," was read the second time, and ordered to lie for consideration.

THURSDAY, January 8.

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," was resumed, and referred to Messrs. CABOT, ELLSWORTH, and STRONG, to consider and report thereon to the Senate.

JANUARY, 1795.]

Proceedings.

[SENATE]

The bill to authorize the settlement of the claim of Samuel Prioleau, was read the second time, and ordered to be engrossed for the third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

Gentlemen of the Senate

and of the House of Representatives :

I lay before Congress copies of Acts passed by the Legislatures of the States of Vermont, Massachusetts, and New York, ratifying the amendment proposed by the Senate and House of Representatives at their last session, to the Constitution of the United States, respecting the Judicial power thereof.

The Minister of the French Republic having communicated to the Secretary of State certain proceedings of the Committee of Public Safety, respecting Weights and Measures, I lay these also before Congress.

The Letter from the Governor of the Western Territory, copies of which are now transmitted, refers to a defect in the Judicial system of that Territory deserving the attention of Congress.

The necessary absence of the Judge of the District of Pennsylvania, upon business connected with the late insurrection, is stated by him, in a Letter, of which I forward copies, to have produced certain interruptions in the Judicial proceedings of that District, which cannot be removed without the interposition of Congress.

G. WASHINGTON.

UNITED STATES, January 8, 1795.

The Message and papers therein referred to were read and ordered to lie for consideration.

FRIDAY, January 9.

The bill to authorize the settlement of the claim of Samuel Prioleau was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject;" and a bill, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States;" in which several bills they desire the concurrence of the Senate.

These bills were read the first time, and ordered to a second reading.

Ordered, That three hundred copies of the communications from the Minister of the French Republic, of a decree of the Committee of Public Safety of the National Convention, on the subject of Weights and Measures, and referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 8th instant, be printed for the use of the Senate.

MONDAY, January 12.

Mr. PORRS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers," reported

amendments, which were read and agreed to, and the bill was ordered to a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives :

I lay before Congress, for their consideration, the copy of a Letter from the Secretary of War, accompanied by an extract from a memorandum of James Seagrove, agent of Indian Affairs.

G. WASHINGTON.

UNITED STATES, January 12, 1795.

The Message and papers therein referred to were read, and ordered to lie until to-morrow for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," was read the second time.

Ordered, That the further consideration of this bill be postponed until Wednesday next.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States," was read the second time, and referred to Messrs. BURN, CAROT, and MORRIS, to consider and report thereon to the Senate.

The bill to amend the act, entitled "An act to establish the Post Office and Post Roads within the United States," was read the third time; and, being amended, was passed.

TUESDAY, January 13.

Mr. CAROT, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," reported amendments, which were ordered to be printed for the use of the Senate.

Mr. KING moved for permission to introduce a bill in addition to the act, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes." And the rule being dispensed with, by unanimous consent, the bill was read the first time, and ordered to a second reading.

Mr. BROWN laid before the Senate the petition of Jean Gabriel Gervais, Attorney for the French inhabitants of Gallipolis, which was read, praying the consideration of their case, as stated at large in a former memorial. And on motion that the order of the Senate of the 13th of May last, relative to the claims of the settlers at Gallipolis, together with the memorial of Jean Gabriel Gervais, Agent for the said settlers, be referred to a committee to consider and report thereon: a motion was made that the consideration of this business be postponed; and, it passed in the negative. And the original motion being adopted, it was ordered that Messrs. BURN, BROWN, LIVENMORE, ELLSWORTH, and KING, be a committee to consider and report thereon to the Senate.

SENATE.]

Proceedings.

[JANUARY, 1795.]

Ordered, That Messrs. ROSS, BRADFORD, and LANGDON, be a committee to bring in a bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks.

Ordered, That the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers," be postponed.

WEDNESDAY, January 14.

The bill in addition to the act, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," was read the second time; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject."

Ordered, That this bill pass to a third reading.

THURSDAY, January 15.

The bill sent from the House of Representatives for concurrence, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," was read the third time.

A motion was made to insert the following words, in the first section of the bill, after the word "assembled:"

"That no alien shall hereafter become a citizen of the United States, or any of them, except in the manner prescribed by this act; and"

And, after debate, the further consideration of this motion was postponed until to-morrow.

The consideration of the amendments reported to the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," was resumed, and the further consideration thereof postponed.

FRIDAY, January 16.

The Senate resumed the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject;" together with the amendment under debate yesterday.

On motion that the bill, together with the proposed amendment, be committed, it passed in the negative.

On motion, permission was given to withdraw the motion for amendment.

On motion, it was agreed to insert the words "any of," after the words "citizen of," that the clause be read as follows:

"That any alien, being a free white person, may be admitted to become a citizen of any of the United States, on the following conditions:

On motion, to add these words, "and not otherwise," after the word "conditions," so that the clause be read as follows:

"That any alien, being a free white person, may be admitted to become a citizen of any of the United States, on the following conditions, and not otherwise."

It passed in the affirmative—yeas 13, nays 11, as follows:

YEAS.—Messrs. Bradford Cabot, Edwards, Ellsworth, Foster, Hawkins, Henry, Izard, King, Livermore, Mitchell, Ross, and Strong.

NAYS.—Messrs. Bradley, Brown, Burr, Frelinghuysen, Jackson, Langdon, Martin, Potts, Robinson, Rutherford, and Tazewell.

On motion, to add to the bill this clause:

"Those aliens who now dwell or may hereafter settle, in the Territory Southwest of the River Ohio, and in that Northwest of the River Ohio, shall be naturalized in their Courts, upon the same terms of residence in the Territories respectively, and subject to the restrictions provided in this act."

Ordered, That the bill together with this motion, be referred to Messrs. KING, TAZEWELL, and BROWN, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a communication from the Secretary for the Department of Treasury, stating that, conformably to law, "he had digested and prepared a plan, on the basis of the actual revenues, for the further support of public credit, which is ready for communication to the Senate."

The communication was read, and ordered to lie for consideration.

MONDAY, January 19.

The Senate took into consideration the communication from the Secretary for the Department of Treasury, of the 16th instant; and,

Ordered, That he be notified that the Senate are ready to receive the plan for the further support of public credit therein mentioned.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Epaphras Jones, and others;" in which they desire the concurrence of the Senate. The said bill was read the first time, and ordered to a second reading.

The Senate resumed the consideration of the amendments reported by the committee to the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks."

On motion, to strike out these words, in section 1, "any district therein, and," and insert "the ports into which they were imported, or from either of the following ports, to wit: Portsmouth, Boston, Providence, New London, New York, Perth Amboy, Pennsylvania, Delaware, Baltimore, Norfolk, Wilmington, Charleston, or Savannah, and shall be:" and, after debate, it was ordered that the further consideration thereof be postponed.

JANUARY, 1795.]

Proceedings.

[SENATE.]

TUESDAY, January 20.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Epaphras Jones, and others," was read the second time, and referred to Messrs. CABOT, FOSTER, and RUTHERFURD, to consider and report thereon to the Senate.

The Senate resumed the consideration of the amendments reported by the committee to the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," together with the motion made yesterday thereon; and, having adopted the report of the committee, and further amended the bill, it was ordered to a third reading.

The petition of Chandler Dinwiddie Fowke, in behalf of the heir and legatee of Jane Stobo, deceased, was presented and read, praying payment of a certificate signed by Timothy Pickering, Quartermaster (General), dated 3d December, 1782, for seven hundred and sixty dollars and forty-five cents, bearing interest at six per cent.

Ordered, That this petition lie on the table.

THE VICE PRESIDENT communicated a Letter from the Honorable Mr. BUTLER, stating that he cannot attend at present in Senate, on account of the state of his health, and the inclemency of the season.

WEDNESDAY, January 21.

THE VICE PRESIDENT laid before the Senate a Report from the Secretary for the Department of Treasury, of the plan for the support of public credit; which was read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed the bill sent from the Senate for concurrence, entitled "An act to authorize the settlement of the claim of Samuel Prioleau," with an amendment, in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," was read the third time.

A motion was made to expunge the third section of the bill, as follows:

"And be it further enacted, That, after the last day of March next, it shall be lawful for the importer or exporter of any liquors in casks, coffee in casks, or other packages, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the original importation, or into new casks or packages in case the original cask or package shall be so injured as to be rendered unfit for exportation, and under the inspection of the Inspector of the port from which such liquors, coffee, or unrefined sugars, are intended to be exported."

It passed in the negative—yeas 10, nays 13, as follows:

YEAS.—Messrs. Hawkins, Henry, Jackson, Martin, Morris, Potts, Robinson, Ross, Rutherford, and Tazewell.

NAYS.—Messrs. Bradford, Bradley, Brown, Cabot, Edwards, Hillsworth, Foster, Izard, King, Langdon, Livenmore, Mitchell, and Stroug.

On motion to expunge these words, section 3, "any liquors in casks," it passed in the negative.

On motion to amend the amendment agreed to yesterday, by expunging these words, "the ports in which they were imported, or from either," it passed in the affirmative.

On motion, it was agreed to add the following proviso at the end of the fifth section:

"And provided always, That in no case of an exportation by the original importer shall a drawback be paid, until the duties on the importation thereof shall have been first received."

Resolved, That this bill pass with amendments.

The Senate proceeded to the consideration of the amendment of the House of Representatives to the bill sent from the Senate for concurrence, entitled "An act to authorize the settlement of the claim of Samuel Prioleau;" and, concurred therein.

Mr. BURR, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States," reported amendments, which were read, and ordered to lie for consideration.

THURSDAY, January 22.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to a second reading.

The Senate proceeded to the consideration of the amendments reported by the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States;" and, after debate, it was ordered that the further consideration thereof be postponed.

Mr. CABOT, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Epaphras Jones, and others," reported an amendment, which was read, and adopted, and the bill was ordered to the third reading.

Mr. KING, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," together with a motion made thereon, reported the following amendments, to wit: Strike out the first paragraph of the first section, and insert—

"For carrying into complete effect the power given by the Constitution to establish an uniform rule of naturalization throughout the United States: Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, may be admitted

SENATE.]

Proceedings.

[JANUARY, 1795.]

to become a citizen of the United States, or any of them, on the following conditions, and not otherwise."

Section 2, after the word "citizen," strike out "thereof."

On motion, it was agreed to divide the paragraph reported as the first amendment, and adopt it as far as the word "conditions," inclusive; and, on motion, it was agreed to adopt these words, "and not otherwise," containing the other division of the paragraph.

A motion was made to add to the end of the bill the following clause:

"Be it further enacted, That the provisions contained in this act shall extend to the Northwestern and Southwestern Territories respectively."

And, after debate, the further consideration thereof was postponed until to-morrow.

FRIDAY, January 23.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Epaphras Jones, and others," was read the third time, and passed, with an amendment.

The bill sent from the House of Representatives for concurrence, entitled "An act for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania," was read the second time, and ordered to a third reading.

The Senate resumed the consideration of the amendments reported by the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States;" and, having in part adopted the same, the bill was ordered to a third reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same;'" and a bill entitled "An act for the remission of the tonnage duties on certain French vessels;" in which several bills they desire the concurrence of the Senate.

These bills were read the first time, and ordered to a second reading.

The VICE PRESIDENT laid before the Senate the Report of the Secretary for the Department of Treasury, on the memorial of a number of the inhabitants of the States of Connecticut and Rhode Island, praying that a light-house may be erected, at the expense of the United States, on Watch Hill, in the State of Rhode Island; which was read, and ordered to lie for consideration.

The Senate resumed the consideration of the amendment proposed yesterday, to add the following clause to the bill, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject, to wit:

"Be it further enacted, That the provisions contained in this act shall extend to the Northwestern and Southwestern Territories respectively."

On motion, it was agreed to amend this motion, by inserting, in the first section of the bill, these words, after the word "State," "or of the Territories;" and, in the same section, after the word "States," these words, "or of the Territories;" and by inserting, in section 2, after the word "State," "or Territory."

Ordered, That the further consideration of this motion be postponed.

MONDAY, January 26.

The Senate proceeded to the consideration of the motion, as it was agreed to be amended on Friday, to the bill, sent from the House of Representatives for concurrence, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject;" and it being further amended, was adopted, as follows:

Line 5th, after the words "the States," insert "or of the Territories Northwest or South of the river Ohio."

Line 11th, after the word "State," insert "or Territory."

On motion to add the following clause to the bill:

"Every person naturalized under this act, shall, at the time of his naturalization, specify the names of all his children under the age of twenty one years, resident within the United States: and the clerk of the Court shall send a certificate of every naturalization, and a list of the names of such children as shall be thus specified, to the Secretary of State, who shall keep a record of the same."

And a motion was made to add to this motion as follows:

"For all which services, directed by this act to be performed by the clerks of the Courts aforesaid, the said clerks shall be entitled to receive from each person naturalized (whether having a family or not) the sum of —."

And, on the question to agree to the motion thus amended, it passed in the negative.

Resolved, That this bill pass with the amendments.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States," was read the third time, and the bill was further amended, as follows:

Line 7th, after the words "white clayed," insert "or white powdered," and, in the same line, after "clayed," insert "or powdered."

Resolved, That this bill pass with amendments.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same,'" was read the second time, and referred to Messrs. JACKSON, IZARD, and LIVERMORE, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for reviving

JANUARY, 1795.]

Proceedings.

[SENATE.]

certain suits and process which have been discontinued in the District Court of Pennsylvania," was read the third time and passed.

The Senate proceeded to the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for the remission of the tonnage duties on certain French vessels;" and, by unanimous consent, the bill was read the third time and passed.

TUESDAY, January 27.

The VICE PRESIDENT laid before the Senate the accounts of Samuel Meredith, Treasurer, of the expenditures for the quarter ending the 30th of September last, which, being read, were ordered to lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers," was read the third time and passed.

The petition of Zachariah Allen, of the State of Rhode Island, was presented and read, praying that the proper officers may be empowered and directed to furnish a certain vessel therein named, and the property of a citizen of the United States, although not built therein, with the necessary papers, for the reasons mentioned in the said petition.

Ordered, That this petition be referred to Messrs. FOSTER, STRONG, and ELLSWORTH, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act supplementary to the act concerning invalids;" and a bill, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;'" in which several bills they desire the concurrence of the Senate.

The two bills last mentioned were read and ordered to a second reading.

WEDNESDAY, January 28.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," was read the second time and referred to Messrs. BRADLEY, ELLSWORTH, and HAWKINS, to consider and report thereon to the Senate.

Mr. Ross, from the committee appointed to bring in a bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, reported a bill for that purpose, which was read, and ordered to a second reading.

THURSDAY, January 29.

A message from the House of Representatives informed the Senate that the House have passed

a bill, entitled "An act to repeal a part, and to continue in force another part, of the act, entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same;'" in which they desire the concurrence of the Senate.

The bill was read the first time and ordered to a second reading.

The bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, was read the second time, and ordered to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" was read the second time.

Ordered, That this bill be referred to the committee appointed the 26th instant on the bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" to consider and report thereon to the Senate.

FRIDAY, January 30.

The bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, was read the third time, and recommitted for further inquiry.

The bill sent from the House of Representatives for concurrence, entitled "An act to repeal a part, and to continue in force another part, of the act, entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same,'" was read the second time, and referred to Messrs. RUTHERFORD, HAWKINS, and JACKSON, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a confidential communication from the Secretary of the Department of War, which was read, and ordered to lie for consideration.

MONDAY, February 2.

The VICE PRESIDENT laid before the Senate the Report of the Secretary of the Department of Treasury, on the petition of Oliver and Thompson, which was read, and ordered to lie for consideration.

Mr. JACKSON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" reported amendments, which were read.

Ordered, That the report lie for consideration.

Mr. TAZEWELL notified the Senate, that he should to-morrow ask permission to introduce a bill declaring the consent of Congress to an act of

SENATE.]

Proceedings.

[FEBRUARY, 1795.]

the State of Virginia, passed the 25th of December, 1794, for the support of a Marine Hospital.

TUESDAY, February 3.

The Senate proceeded to the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" and the report was adopted; and the bill being further amended, was ordered to a third reading.

Agreeably to notice given yesterday, Mr. TAZE-WELL obtained permission to introduce a bill declaring the consent of Congress to an act of the State of Virginia, passed the twenty-fifth of December, one thousand seven hundred and ninety-four, for the support of a Marine Hospital, and the bill was read the first time, and ordered to a second reading.

WEDNESDAY, February 4.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to authorize the allowance of a drawback on part of the cargo of the ship *Enterprise*," in which they desire the concurrence of the Senate; the bill was read the first time, and ordered to a second reading.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before Congress, for their consideration, a Letter from the Secretary of State, upon the subject of Loans, which is extremely interesting and urgent.

G. WASHINGTON.

UNITED STATES, February 4, 1795.

The Message was read, and ordered to lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" was read the third time.

Ordered, That the further consideration thereof be postponed to Monday next.

Mr. BRADLEY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," reported the following amendment:

Strike out the whole of the last section, after the word "enacted," in the first line, and insert in lieu thereof,

"That no commissioned officer who has received commutation of half pay shall be paid a pension as an invalid until he shall return his commutation into the Treasury of the United States, except where special provision has been made in particular cases for allowing pensions on the return only of certain portions of the commutation."

On the question to adopt the report, it passed in the affirmative—yeas 15, nays 8, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Edwards, Ellsworth, Foster, Hawkins, Henry, Jackson, Izard, Langdon, Martin, Robinson, Ross, and Rutherford.

NAYS.—Messrs. Burr, Frelinghuysen, Livermore, Mitchell, Morris, Potts, Strong, and Tazewell.

On motion to amend the amendment, by expunging the words "his commutation," line third of the amendment, and further to amend it, to read as follows:

"That no commissioned officer who has received commutation of half pay shall be paid a pension as an invalid, until he shall return into the Treasury of the United States a proportion of the principal of the commutation received by him, equal to the proportion of pension to be allowed him, except where special provision has been made in particular cases, for allowing pensions, on the return only of certain portions of the commutation."

It passed in the negative. And on the question to agree to the last section of the bill, as amended, it passed in the affirmative—yeas 15, nays 8, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Edwards, Ellsworth, Foster, Hawkins, Henry, Jackson, Izard, Langdon, Martin, Robinson, Ross, and Rutherford.

NAYS.—Messrs. Burr, Frelinghuysen, Livermore, Mitchell, Morris, Potts, Strong, and Tazewell.

Ordered, That this bill pass to the third reading.

The bill declaring the consent of Congress to an act of the State of Virginia, passed the twenty-fifth of December, one thousand seven hundred and ninety-four, for the support of a Marine Hospital, was read the second time, and referred to Messrs. TAZEWEILL, ELLSWORTH, and LANGDON, to consider and report thereon to the Senate.

THURSDAY, February 5.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the allowance of drawback on part of the cargo of the ship *Enterprise*," was read the second time, and referred to Messrs. LANGDON, HAWKINS, and POTTS, to consider and report thereon to the Senate.

Ordered, That the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," be postponed to Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage;" in which they desire the concurrence of the Senate. The bill was read the first time, and ordered to a second reading.

A motion was made,

"That a committee be appointed to inquire into the expediency of authorizing the President of the United States to call such of the invalids on the pension list of the United States into service as are able to do garrison duty, and, if found expedient, to report a bill."

FEBRUARY, 1795.]

Proceedings.

[SENATE.]

Ordered, That this motion lie for consideration.

Mr. LANGDON, from the committee on the bill last referred, reported that it pass without amendment; and the report was adopted, and the bill ordered to a third reading.

Ordered, That Messrs. STRONG, BURR, and PORTS, be a committee to examine and report to the Senate what laws will expire before the next session of Congress.

FRIDAY, February 6.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the allowance of drawback on part of the cargo of the ship *Enterprise*," was read the third time and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage," was read the second time, and referred to Messrs. CABOT, ELLSWORTH, BURR, LANGDON, and TAZEWELL, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina," in which they desire the concurrence of the Senate. The bill was read the first time, and ordered to a second reading.

Mr. ELLSWORTH, from the committee appointed for the purpose, reported a bill to regulate proceedings in cases of outlaway, which was read the first time, and ordered to a second reading.

MONDAY, February 9.

Mr. STRONG reported from the committee to whom it was referred to examine and report what laws will expire before the next Congress. The report was read, and ordered lie for consideration.

Mr. CABOT, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage," reported an amendment, which was read and agreed to, and the bill ordered to a third reading.

Ordered, That the further consideration of the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," be further postponed to Thursday next.

The third reading of the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same,'" was resumed; and, being further amended,

Resolved, That this bill pass with the amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina," was read the second time, and referred to Messrs. LANGDON, JACKSON, and HAWKINS, to consider and report thereon to the Senate.

The bill to regulate proceedings in cases of outlaway was read the second time, and ordered to lie for consideration.

A message from the House of Representatives, informed the Senate that the House have passed a bill, entitled "An act to amend the act, entitled 'An act making alterations in the Treasury and War Departments,'" in which they desire the concurrence of the Senate. The bill was read the first time, and ordered to a second reading.

TUESDAY, February 10.

The petition of James Park and others, messengers in the public offices, was read, praying that their compensation, respectively, may be augmented.

Ordered, That this petition lie on the table.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate for concurrence, entitled "An act to amend the act, entitled, 'An act to establish the Post Office and Post Roads within the United States,'" with amendments; in which they desire the concurrence of the Senate. The amendments were read, and referred to Messrs. ROSS, HAWKINS, and RUTHERFORD, to consider and report thereon to the Senate.

Mr. ELLSWORTH reported from the committee appointed to revise the provisions for the employment and compensation of clerks in the public offices, which was read.

Ordered, That it lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage," was read the third time and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act making alterations in the Treasury and War Departments,'" was read the second time, and ordered to a third reading.

Ordered, That the consideration of the bill to regulate proceedings in cases of outlaway, be further postponed.

WEDNESDAY, February 11.

Mr. LANGDON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the erection of a light-house near the entrance of Georgetown harbor in the State of South Carolina," reported the bill without amendment.

Ordered, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate that the House have disagreed

SENATE.]

Proceedings.

[FEBRUARY, 1795.]

to all the amendments of the Senate to the bill entitled 'An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;' and ask a conference on the disagreeing votes of the two Houses, and have appointed managers on their part.

Resolved, That the Senate agree to the proposed conference on the amendments to the last mentioned bill, and that Messrs. LIVERMORE and JACKSON be managers at the same on the part of the Senate.

Mr. JACKSON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" reported amendments, which were read.

Ordered, That they be printed for the use of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act making alterations in the Treasury and War Departments,'" was read the third time and passed.

Ordered, That the consideration of the bill to authorize the holding of special Courts, in certain cases, be postponed until the 23d instant.

Ordered, That the report of the committee appointed to examine and report to the Senate what laws will expire before the next Congress be re-committed, and that the committee be instructed to bring in a bill or bills to continue such of the said laws as in their opinion ought to be continued.

The petition of James Mathers, Doorkeeper to the Senate, was presented and read, stating the enhanced price of the necessaries of life, and praying an addition to his compensation. Whereupon,

Ordered, That the Secretary of the Senate pay to the said James Mathers, out of the contingent money, one hundred and thirty dollars, to make his compensation, for the last year, two hundred and fifty dollars, in addition to his stated salary, that being the additional sum allowed to the Doorkeeper of the House of Representatives.

THURSDAY, February 12.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the reimbursement of a Loan authorized by an act of the last session of Congress," in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the reimbursement of a Loan authorized by an act of

the last session of Congress," was read the first time, and, by unanimous consent, the rule was dispensed with, and the bill was read the second time, and referred to Messrs. KING, BRADFORD, and ELLSWORTH, to consider and report thereon to the Senate.

Ordered, That the report of the committee, appointed the tenth of December last, to revise the provisions for the employment and compensation of certain clerks in the public offices, be the order of the day for to-morrow.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," was read the third time.

On the question, Shall this bill pass, as amended? it was determined in the affirmative—yeas 11, nays 7, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Edwards, Ellsworth, Foster, Hawkins, King, Langdon, Robinson, and Rutherford.

NAYS.—Messrs. Burr, Jackson, Livermore, Martin, Mitchell, Potts, and Tazewell.

So it was resolved that this bill pass, with an amendment.

Mr. RUTHERFORD reported, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to repeal a part, and to continue in force another part, of the act entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same,'" and the report was adopted. Whereupon,

Resolved, That this bill do not pass.

FRIDAY, February 13.

The Senate took into consideration the report of the committee, appointed the tenth of December last, to revise the provisions for the employment and compensation of certain clerks in the public offices, which was amended; and, after debate, the report was committed to Messrs. ROSS, POTTS, and KING, to consider and report thereon to the Senate.

MONDAY, February 16.

Mr. LIVERMORE reported, from the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill entitled "An act supplementary to the act entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" that the bill be postponed to the next Congress; and the report was adopted.

On motion, that the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" be postponed to the next Congress, it passed in the negative.

FEBRUARY, 1795.]

Proceedings.

[SENATE.]

The Senate proceeded to consider the amendments reported by the committee to the said bill; and, having adopted them, the bill was ordered to a third reading.

On request of the VICE PRESIDENT, it was agreed that he be excused from attendance in the Senate, during the session, after Wednesday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the more effectual recovery of debts due from individuals to the United States;" a bill, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on the subject;" and a "Resolution respecting certain laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred and ninety-two;" in which bills and resolutions they desire the concurrence of the Senate.

The bills and resolution last brought to the Senate for concurrence were severally read, and ordered to a second reading.

Ordered, That the resolution of the House of Representatives last mentioned be referred to Messrs. LIVERMORE, RUTHERFORD, and BRADFORD, to consider and report thereon to the Senate.

Mr. KING, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the reimbursement of a Loan authorized by an act of the last session of Congress," reported that the bill pass, without amendment. Whereupon, it was agreed, by unanimous consent, that the bill be now read the third time.

Resolved, That this bill pass.

TUESDAY, February 17.

The bill, sent from the House of Representatives for concurrence, entitled, "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" was read the third time; and, being further amended, the bill was recommitted.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force the 'Act for ascertaining the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes,'" and a bill, entitled "An act to repeal part of the act, entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same,'" in which several bills they desire the concurrence of the Senate.

The bills were read the first time, and ordered to a second reading.

The Senate resumed the second reading of the bill to regulate proceedings in cases of outlawry.

On motion that this bill be postponed, it passed in the negative; and, after debate, the bill was ordered to lie for consideration.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to Congress copies of a Letter from the Governor of the State of New Hampshire, and of an Act of the Legislature thereof, ratifying the article proposed in amendment to the Constitution of the United States respecting the Judicial power.

I also lay before Congress copies of a Letter from the Governor of the State of North Carolina, and of an Act of the Legislature thereof, ceding "to the United States certain lands, upon the conditions therein mentioned."

G. WASHINGTON.

UNITED STATES, February 17, 1795.

*Gentlemen of the Senate, and
of the House of Representatives:*

I have received copies of two Acts of the Legislature of Georgia—one passed on the 28th day of December, and the other on the 7th day of January last—for appropriating and selling the Indian lands within the territorial limits claimed by that State. These copies, though not officially certified, have been transmitted to me in such a manner as to leave no room to doubt their authenticity. These Acts embrace an object of such magnitude, and in their consequences may so deeply affect the peace and welfare of the United States, that I have thought it necessary now to lay them before Congress.

In confidence, I also forward copies of several documents and papers received from the Governor of the Southwestern Territory. By these, it seems that hostilities with the Cherokees have ceased, and that there is a pleasing prospect of a permanent peace with that nation. But, from all the communications of the Governor, it appears that the Creeks, in small parties, continue their depredations, and it is uncertain to what they may finally lead.

The several papers now communicated deserve the immediate attention of Congress, who will consider how far the subjects of them may require their co operation.

G. WASHINGTON.

UNITED STATES, February 17, 1795.

The Messages were severally read, and ordered to lie for consideration.

WEDNESDAY, February 18.

Mr. STRONG from the committee instructed for that purpose on the 11th instant, reported a bill to continue in force, for a limited time, the acts therein mentioned; which bill was read, and ordered to the second reading.

Mr. ROSS, from the committee to whom was referred the amendments proposed by the House of Representatives to the bill, entitled "An act to amend the act entitled 'An act to establish the Post Office and Post Roads within the United States,'" reported amendments to the said amendments.

On motion to recommit the report, it passed in the negative, and, the report being further amended, it was

Resolved, That the Senate concur in the amendments to this bill, with amendments thereto.

A message from the House of Representatives informed the Senate that the House have passed a

bill, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for these purposes;" a bill, entitled "An act enabling George Gibbs to obtain a drawback of duties on certain exported wines;" a bill, entitled "An act for the relief of William Seymour;" and a bill, entitled "An act for the more general promulgation of the laws of the United States:" in which several bills they desire the concurrence of the Senate.

The bills last mentioned were severally read, and ordered to a second reading.

The papers referred to in the Message of the President of the United States, of yesterday, were read and ordered to lie for consideration.

Mr. BURR, from the committee to whom was referred the motion made the 13th of January last, relative to the claims of the settlers at Gallipolis, together with the memorial of Jean G. Gervais, reported a bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, which was read and ordered to a second reading.

Ordered, That certain laws of the State of Georgia, referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 17th inst., be referred to Messrs. KING, ELLSWORTH, STRONG, ROSS, and PORTS, to consider and report thereon to the Senate.

Mr. KING notified the Senate, that he should, on Friday next, move for leave to introduce a bill to punish frauds committed on the Bank of the United States.

Mr. FOSTER laid before the Senate the petition of Henry Merchant, Judge for the Rhode Island district, praying an augmentation of his salary, which was read.

Ordered, That Mr. FOSTER, in behalf of the petitioner, have leave to bring in a bill providing for the addition of two hundred dollars per annum to the petitioner's present salary.

Mr. BURR, from the committee to whom was referred the petition of John McLean, attorney to Angus McLean, reported, that they are satisfied of the truth of the facts contained in the petition, and that he is entitled to his pay for his services in the corps of sappers and miners; and the report was adopted. Whereupon,

Ordered, That the committee to whom the petition was referred, be instructed to bring in a bill accordingly.

Mr. BURR, from the committee last mentioned, reported a bill for the relief of Angus McLean, which was read and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for the more effectual recovery of debts due from individuals to the United States," was read the second time and referred to Messrs. FOSTER, FRELINGHUYSEN, and VINING, to consider and report thereon to the Senate.

Mr. JACKSON, from the committee to whom was recommended the amendments reported on the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the

act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" reported amendments to the same, which were read and adopted, and the bill being further amended, it was

Resolved, That this bill pass with amendments.

The bill sent from the House of Representatives for concurrence, entitled "An act to continue in force the act for ascertaining the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," was read the second time, and by unanimous consent the rule was dispensed with, and the bill was read the third time, and passed.

Resolved, That this bill pass.

The bill sent from the House of Representatives for concurrence, entitled "An act to repeal part of the act, entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same,'" was read the second time.

On motion that this bill pass to the third reading, it passed in the negative. So it was resolved that this bill do not pass.

The bill sent from the House of Representatives for concurrence, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," was read the second time, and referred to Messrs. FRELINGHUYSEN, BURR, and FOSTER, to consider and report thereon to the Senate.

FRIDAY, February 20.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a PRESIDENT *pro tempore*, as the Constitution provides, and SAMUEL LIVERMORE was duly elected; who, declining the appointment,

The Senate proceeded to the election of HENRY TAZEWELL to that office.

Ordered, That the Secretary wait on the PRESIDENT OF THE UNITED STATES, and notify him of the election of Mr. TAZEWELL to be PRESIDENT of the Senate *pro tempore*.

The petition of John Rutledge, administrator of the estate of Thomas Rutledge, deceased, late deputy commissary general of purchases for the Southern Department, was read, praying that he may be enabled to obtain compensation for the services of the said Thomas Rutledge.

Ordered, That this petition lie on the table.

Agreeably to notice, Mr. KING obtained leave to introduce a bill to punish frauds committed on the Bank of the United States; which bill was read, and ordered to a second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of William Seymour," was read the second time, and referred to Messrs. FRELINGHUYSEN, KING, and MITCHELL, to consider and report thereon to the Senate.

A message from the House of Representatives

FEBRUARY, 1795.]

Proceedings.

[SENATE.]

informed the Senate that the House agree to all the amendments of the Senate to their amendments to the bill, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" except to the last, to which they agree with an amendment, and in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of Robert Barton and others," in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment proposed by the House of Representatives to the last amendment of the Senate to their amendments to the bill, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" and, on motion, that the bill be postponed to the next Congress, it passed in the negative.

Resolved, That the Senate disagree to the said amendment, and ask a conference on the disagreeing votes thereon, and that Messrs. RUTHERFORD and BROWN be managers at the same on the part of the Senate.

The bill last brought from the House of Representatives for concurrence was read and ordered to a second reading.

The bill for the relief of Angus McLean was read the second time and amended, and, by unanimous consent, to dispense with the rule, the bill was read the third time and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the more general promulgation of the laws of the United States," was read the second time, and referred to Messrs. RUTHERFORD, ELLSWORTH, and PORTS, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act enabling George Gibbs to obtain a drawback of duties on certain exported wines," was read the second time, and referred to Messrs. CAROT, MITCHELL, and BRADFORD, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for these purposes," was read the second time, and referred to Messrs. KING, FRELINGHUYSEN, and STRONG, to consider and report thereon to the Senate.

Mr. ROSS reported, from the committee to whom was referred the report of a committee appointed to revise the provisions for the employment and compensation of certain clerks in the public offices. On motion, to amend the report, by inserting five hundred dollars to the loan officer of the State of Maryland, instead of two hundred and fifty, in lieu of clerk hire; it passed in the negative.

On motion, to amend the report, by inserting two thousand dollars each to the loan officers of the States of Massachusetts and New York, in lieu of clerk hire, respectively; it passed in the negative.

On motion, to amend the report, by inserting five hundred dollars to the loan officer of the State of Connecticut, in lieu of clerk hire; it passed in the negative. And, having agreed further to amend the report, by striking out the limitation, to wit: "year one thousand seven hundred and ninety-six," and inserting "end of the same." On motion,

Ordered, That it be recommitted, with an instruction to bring in a bill conformable thereto.

Agreeably to the order of the Senate, Mr. FOSTER brought in a bill for allowing an additional compensation to the Judge of the District of Rhode Island; which was read, and ordered to a second reading.

The bill, to continue in force, for a limited time, the acts therein mentioned, was read the second time, and ordered to a third reading.

A message from the House of Representatives informed the Senate that the House agree to the proposed conference on the disagreeing votes of the two Houses to the amendments proposed to the bill, entitled, "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" and have appointed managers on their part.

SATURDAY, February 21.

Mr. CAROT reported, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act enabling George Gibbs to obtain a drawback of duties on certain exported wines," that the bill pass without amendment; and the report was adopted. And, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

Mr. LIVERMORE reported, from the committee to whom was referred the resolution, sent from the House of Representatives for concurrence, "respecting certain laws of the territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred and ninety-two." Whereupon,

Resolved, That the Senate do not concur in this resolution.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the payment of four thousand dollars, for the use of the daughters of the late Count de Grasse;" and a bill, entitled "An act for the relief of Spencer Man and Frantz Jacob Foltz;" in which several bills they desire the concurrence of the Senate.

Mr. RUTHERFORD reported from the managers at the conference on the part of the Senate, on the disagreeing votes of the two Houses on the last amendments to the first section of the bill, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States.'" Whereupon,

Resolved, That the Senate recede from their last amendment to the amendment of the House of Representatives, to the first section of the said

bill, to wit: the words "and from Danville to Knoxville."

Mr. KING, from the committee to whom was referred the Message of the PRESIDENT OF THE UNITED STATES, of the 18th instant, relative to certain laws passed by the State of Georgia, reported a bill to prevent depredations on the Indians South of the river Ohio; which bill was read, and ordered to a second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Spencer Man and Frantz Jacob Foltz," was read the first time, and ordered to a second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse," was read the first time.

The petition of Amelie, Adelaide, Melanie, and Silvie de Grasse, daughters of the late Count de Grasse, stating their reduced and destitute situation, and praying the loan of two thousand dollars, was presented and read; and, by unanimous consent, the rule was dispensed with, and the bill last mentioned was read the second time.

Ordered, That this bill lie for consideration.

The bill to punish frauds committed on the Bank of the United States was read the second time.

Ordered, That this bill be printed for the use of the Senate.

The bill to continue in force for a limited time, the acts therein mentioned, was read the third time, and passed.

The bill for allowing an additional compensation to the Judge of the district of Rhode Island, was read the second time.

The memorial of Gunning Bedford, Judge of the district of Delaware, was presented and read, praying for an increase of compensation.

It was agreed to amend the bill last mentioned, by inserting these words: "To the Judges of the districts of Rhode Island and Delaware each," and to conform the title of the bill thereto.

On motion, by Mr. CABOT, to add after the word "dollars," "and to the Judge of the District Court of Massachusetts the sum of three hundred dollars."

It passed in the negative.

Ordered, That the further consideration of this bill be postponed until Monday next.

The PRESIDENT laid before the Senate statements from the Secretary of the Department of War, of such claims as have been received and examined, and of additional evidence further to support certain claims formerly stated; in pursuance of the act, entitled "An act to regulate the claims to invalid pensions."

Ordered, That five hundred copies of the papers hereafter enumerated, delivered with the Message of the PRESIDENT OF THE UNITED STATES of the 19th of November, 1794, be printed, to wit:

1. Judge Wilson's certificate.
2. The proclamation of 7th August.
3. The Instructions of the Commissioners.
4. The Report of the Commissioners.
5. The Proclamation of the 25th of September.

6. The correspondence between the Governor of Pennsylvania and the Secretary of State.

7. The Report of the Secretary of the Treasury to the PRESIDENT OF THE UNITED STATES.

8. Instructions to the Governor of Virginia.

Mr. MARTIN notified the Senate that he should, on Monday next, move for permission to introduce a bill to amend the 2d section of the act, entitled "An act to erect a light-house on the head land of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracock, in the State of North Carolina."

Mr. KING, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," reported amendments, which were amended and adopted.

Ordered, That this bill pass to a third reading.

MONDAY, February 23.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," was read the third time, and, being further amended,

Resolved, That this bill pass with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Robert Barton and others," was read the second time, and referred to Messrs. CABOT, BRADFORD, and FRELINGHUYSEN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Spencer Man, and Frantz Jacob Foltz," was read the second time.

Ordered, That this bill be referred to the committee last mentioned.

The bill "for allowing an additional compensation to the Judge of the district of Rhode Island," was read the third time as amended.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act allowing an additional compensation to the Judges of the districts of Rhode Island and Delaware."

Agreeably to notice given on the 21st instant, Mr. MARTIN obtained permission to bring in a bill to amend the second section of the act, entitled "An act to erect a light-house on the head land of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracock, in the State of North Carolina;" which bill was read, and ordered to a second reading.

The bill to prevent depredations on the Indians South of the river Ohio was read the second time, and ordered to lie for consideration.

The Senate resumed the second reading of the bill to authorize the holding of special Courts in certain cases, and the further consideration thereof was postponed until the next Congress.

FEBRUARY, 1795.]

Proceedings.

[SENATE-

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," in which they desire the concurrence of the Senate.

The bill was read the first time, and, by unanimous consent, the rule was dispensed with, and the bill was read the second time, and referred to Messrs. ELLSWORTH, MORRIS, STRONG, KING, and CABOT, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse," was considered.

Ordered, That this bill be referred to Messrs. BURR, KING, and MITCHELL, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed the bill sent from the Senate for concurrence, entitled "An act for the relief of Agnus McLean," with an amendment, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned, to wit: strike out "Agnus," and insert "Angus."

Resolved, That they do concur therein.

Mr. BURR, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse," reported an amendment, which was adopted.

On motion to insert "five hundred" in place of "one thousand," it passed in the negative.

On the question, Shall this bill pass to the third reading? it was determined in the affirmative—yeas 17, nays 5, as follows:

YEAS.—Messrs. Bradley, Burr, Cabot, Edwards, Foster, Hawkins, Jackson, Izard, King, Langdon, Livermore, Martin, Mitchell, Morris, Potts, Rutherford, and Vining.

NAYS.—Messrs. Bradford, Ellsworth, Frelinghuysen, Ross, and Strong.

Ordered, That this bill pass to the third reading.

The bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, was read the second time, and, after debate, the Senate adjourned.

TUESDAY, February 24.

Mr. CANOT, from the committee to whom was referred the bill, entitled "An act for the relief of Spencer Man and Frantz Jacob Poltz," and the bill entitled "An act for the relief of Robert Barton and others," reported, that they severally pass without amendment.

The Senate proceeded to consider the bill first

mentioned, and after being amended, the bill was ordered to a third reading.

Ordered, That the bill last reported on pass to the third reading.

Mr. ELLSWORTH, from the committee instructed to that purpose, reported a bill to regulate the compensation of clerks; which was read, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse," was read the third time.

On motion to expunge the amendment agreed to yesterday, to wit; line 1, insert a preamble, as follows:

"Whereas, the four daughters of the late Count de Grasse, now within the United States, have, by their memorial to Congress, represented that they are destitute of the means of support:"

It passed in the negative.

Resolved, That this bill pass with the amendment.

The memorial of a number of the manufacturers of the town of Baltimore was presented and read, stating the impolicy of excises on home manufactures, and praying a discontinuance thereof on the articles of sugar and snuff.

Ordered, That this memorial be referred to the committee to whom was referred the bill, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the relief of Jose Roiz Silva," and a bill, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed," in which several bills they desire the concurrence of the Senate.

The consideration of the bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, was resumed; and, after debate, the further consideration of the bill was postponed.

Mr. FOSTER notified the Senate that he should to-morrow, ask permission to introduce a bill providing that coasting vessels going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to the said Long Island, shall have the same privileges as are allowed to vessels, under the like circumstances, going from a district in one State to a district in the same, or any adjoining State.

The bill sent from the House of Representatives for concurrence, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Jose Roiz Silva," was read the first time, and ordered to a second reading.

SENATE.]

Proceedings.

[FEBRUARY, 1795.]

WEDNESDAY, February 25.

Mr. LIVERMORE laid before the Senate the remonstrance of the State of New Hampshire, asserting and enforcing the sovereignty and independence of the said State, in respect to laws passed before the Confederation of the United States; which was read, and ordered to lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I communicate to Congress copies of a Letter from the Governor of the State of Georgia, and of an Act of the Legislature thereof, "to ratify the resolution of Congress explanatory of the Judicial power of the United States." G. WASHINGTON.

UNITED STATES, February 25, 1795.

The Message and papers therein referred to, were read, and ordered to lie on file.

Mr. FRELINGHUYSEN, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of William Seymour," reported that it pass without amendment.

Ordered, That this bill pass to the third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Spencer Man and Frantz Jacob Foltz," was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Robert Barton and others," was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers have been, or may hereafter be, erected and fixed," was read the second time, and referred to Messrs. LIVERMORE, BURR, and MITCHELL, to consider and report thereon to the Senate.

Mr. ELLSWORTH, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," reported amendments, which were read.

Ordered, That they lie for consideration.

The Senate resumed the second reading of the bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned.

On motion, to strike out the first section of the bill, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby, authorized and empowered to issue letters patent, in the name, and under the seal, of the United States, thereby granting and conveying to John Gabriel Gervais, Alexander Sangrain, and John Michan, and their heirs, for the use of themselves and the other French inhabitants of Gallipolis, in the Territory Northwest of the Ohio, a tract of land situate on the

Northwest bank of the river Ohio, beginning one mile and a half on a straight line above the mouth of Little Sandy; thence, down the said river Ohio, along the courses thereof, eight miles, when reduced to a straight line; thence, at right angles from the said line, westerly, so as to include the quantity of twenty four thousand acres, free from all reservations, to be equally divided (except as hereinafter excepted) by lot among all the French inhabitants and actual settlers of the said town or settlement of Gallipolis, being males above seventeen years of age, or widows, who are, or shall be, within the said town or settlement of Gallipolis, on the first day of November next, of whom a list shall be made by the Surveyor to be employed in pursuance of this act."

It passed in the negative—yeas 9, nays 15, as follows:

YEAS—Messrs. Bradford, Cabot, Edwards, Ellsworth, Frelinghuysen, King, Mitchell, Rutherford, and Strong, NAYS—Messrs. Bradley, Brown, Burr, Foster, Hawkins, Jackson, Izard, Langdon, Livermore, Martin, Morris, Potts, Robinson, Ross, and Vining.

Ordered, That this bill be referred to Messrs. POTTS, BURR, and KING, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Jose Roiz Silva," was read the second time, and referred to Messrs. POTTS, KING, and LANGDON, to consider and report thereon to the Senate.

Agreeably to notice given yesterday, Mr. FOSTER, obtained leave to bring in a bill relative to the coasting trade, as it respects vessels passing between Long Island, in the State of New York, and the State of Rhode Island. The bill was read, and ordered to a second reading.

The Senate resumed the second reading of the bill to prevent depredations on the Indians South of the river Ohio.

On motion to postpone the consideration of this bill, it passed in the negative.

On motion, it was agreed to amend the bill,

And, on the passage of the bill to a third reading, with the following amendment to the end of the bill: "and shall be punished in the same manner that enlisted soldiers, committing such an act or acts, without or contrary to orders, may be punished," it passed in the affirmative—yeas 11, nays 5, as follows:

YEAS—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, King, Potts, Ross, Rutherford, Strong, and Vining.

NAYS—Messrs. Bradley, Burr, Jackson, Langdon, and Robinson.

THURSDAY, February 26.

Mr. KING laid before the Senate a resolution authorizing the exportation of arms, cannon, and military stores, in certain cases; which was read.

Ordered, That it lie until to-morrow for consideration.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate for concurrence, entitled "An act to continue in force, for a limited time, the acts therein mentioned," with an amendment;

FEBRUARY, 1795.]

Proceedings.

[SENATE.]

in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act making further appropriations for the Military and Naval Establishments, and for the support of Government;" in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment proposed by the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act to continue in force, for a limited time, the acts therein mentioned.

Resolved, That they do concur therein.

Mr. FRELINGHUYSEN, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," reported amendments.

Mr. LIVERMORE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers have been, or may hereafter be, erected and fixed;" reported amendments.

Mr. PORTS, from the committee to whom was referred the bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, reported amendments.

The bill to regulate the compensation to clerks, was read the second time, and, after amending the first section, it was rejected.

Ordered, That this bill pass to a third reading.

The Senate resumed the second reading of the bill to punish frauds committed on the Bank of the United States, and having agreed to an amendment, the bill was ordered to a third reading.

Mr. FOSTER, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the more effectual recovery of debts due from individuals to the United States," reported amendments.

FRIDAY, February 27.

The bill to prevent depredations on the Indians South of the river Ohio, was read the third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 12, nays 7, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, Izard, King, Martin, Potts, Rutherford, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Burr, Jackson, Langdon, Livermore, and Robinson.

So it was resolved that this bill pass; that it be engrossed: and that the title thereof be "An act to prevent depredations on the Indians South of the river Ohio."

The amendments reported by the committee to whom was referred the bill to authorize a grant of lands to the French inhabitants of Gallipolis,

and for other purposes therein mentioned, were read and agreed to.

Ordered, That this bill pass to the third reading.

The bill to regulate the compensation of clerks was read the third time, and was amended, by restoring the first section, amended as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, the Secretary of the Department of State, and the Secretary of the Department of War, be authorized to vary, for the present year, the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall, in their judgment, require; so, however, that no principal clerk shall receive more than at the rate of one thousand dollars per annum, and that the aggregate of compensations for the clerks, in either of the said departments, shall not, for the said year, exceed the aggregate of the compensations allowed for clerks in the same departments for the year one thousand seven hundred and ninety four; and that an additional compensation, not exceeding the rate of two hundred dollars per annum, be allowed for one clerk employed by the Director of the Mint, during the present year."

On motion, it was agreed to amend the second section, by inserting "three hundred dollars" to the loan officer in the State of New Jersey, in lieu of clerk hire.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act to regulate the compensation of clerks."

The PRESIDENT laid before the Senate a communication from the Secretary for the Department of the Treasury, with a return of the exports of the United States for the year ending September the thirtieth, one thousand seven hundred and ninety-four, which were read, and ordered to lie for consideration.

The bill to punish frauds committed on the Bank of the United States, was read the third time.

A motion was made by Mr. VINING to amend the bill, by striking out these words, "suffer death," and to insert, "shall be adjudged a felon, and fined and imprisoned at the discretion of the Court;" and, after debate, the bill was postponed until the next Congress.

The consideration of the resolution authorizing the exportation of arms, cannon, and military stores, in certain cases, was resumed, and being amended, by adding these words, "and for public purposes only," it was

Resolved, That this resolution pass.

The bill relative to the passing of coasting vessels between Long Island and Rhode Island, was read the second time, and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

Mr. JACKSON laid before the Senate two Acts of the State of Georgia, to wit: "An act for appropriating a part of the unlocated territory of the State for the payment of the late State troops, and for other purposes therein mentioned;" and "An act supplementary to an act entitled 'An act for appropriating a part of the unlocated territory of the State for the payment of the late State troops,

and for other purposes therein mentioned,' declaring the right of the State to the unappropriated territory thereof for the protection and support of the frontiers of the State, and for other purposes."

On which he submitted the following motion to the consideration of the Senate:

"Whereas, one of the Senators of the State of Georgia has officially laid before the Senate "An act of the Legislature of the said State, entitled 'An act for appropriating a part of the unlocated territory of the State for payment of the late state troops, and for other purposes therein mentioned,' and in which the Senators and Representatives of the said State in Congress are required to apply, without loss of time, for a treaty to be held with such tribes or nations of Indians who may claim the right of sale to the territory therein pointed out for appropriation as aforesaid:

"Resolved, That the Senate will advise and consent to the holding any treaty or treaties which the President of the United States may think necessary with the Creek nation, for the purpose of extinguishment of the claims of the said Indians to the lands in the said act of the State of Georgia appropriated; the same being included in a line to be drawn from the head of the Oconee to the Ockmulgee river, and from Fort Romulus, on the Ockmulgee, to the head of St. Mary's river, and the old boundary line between the State of Georgia and the said Indians: *Provided*, That the whole expense of extinguishing the said claims, and the holding the said treaty or treaties, be defrayed and borne by the State of Georgia."

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of William Seymour," was read the third time and passed.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed;" and, having adopted the amendments reported by the committee, it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass with the amendments.

The bill to amend the second section of "the act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracoke, in the State of North Carolina," was read the second time and amended.

Ordered, That this bill pass to a third reading.

The memorial of Rd. Claiborne was presented and read, praying that "a law may pass, authorizing the importation of inventions, and allowing to original importers a certain privilege in proportion to that allowed by the patent law to inventors."

Ordered, That this memorial lie on the table.

Ordered, That the bill, sent from the House of Representatives for concurrence, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," be recommitted.

The bill, sent from the House of Representatives for concurrence, entitled "An act making further appropriations for the Military and Naval Establishments, and for the support of Government," was read the first time, and, by unanimous consent, the rule was dispensed with, and the bill was read the second time, and referred to Messrs. RUTHERFORD, JACKSON, and BRADFORD, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act supplementary to the act, entitled 'An act establishing a Mint, and regulating the coins of the United States,'" and the bill, entitled "An act for extending the time relative to drawbacks on the exportation of certain military stores;" in which they desire the concurrence of the Senate.

The bills last brought from the House of Representatives for concurrence were severally read, and by unanimous consent, these bills were severally read the second time, and referred to Messrs. CABOT, KING, and MORRIS, to consider and report thereon to the Senate.

The Senate took into consideration the amendments reported by the committee to the bill sent from the House of Representatives for concurrence, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt."

On motion to agree to the following amendment, reported by the committee, respecting the subscribers to a Loan, for which the second section provides, to wit:

"Section 2d, strike out, 'may be reimbursed at any time,' and insert, 'shall be reimbursed within twenty years, and may be reimbursed at any time after the expiration of twelve years:'"

It passed in the affirmative—yeas 15, nays 9, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Hawkins, Izard, King, Langdon, Livermore, Mitchell, Morris, Ross, Rutherford, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Burr, Edwards, Foster, Jackson, Martin, Potts, and Robinson.

And the other amendments reported by the committee being agreed to, the bill was ordered to the third reading.

The bill to amend the second section of an act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracoke, in the State of North Carolina, was considered, and, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

The PRESIDENT laid before the Senate a certificate signed George Latimer, chairman, purporting that WILLIAM BINGHAM was, on the 26th instant, elected a Senator of the United States for the Commonwealth of Pennsylvania, which was read, and ordered to lie on file.

SATURDAY, February 28.

HENRY LATIMER, from the State of Delaware, in place of GEORGE READ, resigned, attended, and

FEBRUARY, 1795.]

Proceedings.

[SENATE.]

produced his credentials, which were read; and the oath prescribed by law being administered, he took his seat in the Senate.

JAMES GUNX, from Georgia, attended.

The bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, was read the third time.

On motion, it was agreed to strike out these words, section 3d, "his heirs or assigns shall not, within three years from the date of the same patent, make, or cause to be made, actual settlement on the same tract of land, and the same continue for three years," and in lieu thereof insert, "or his heirs shall not personally, within three years, from the date of the same patent, settle on the same tract of land, and there continue settled, for three years next."

On motion, it was agreed to amend the last mentioned boundary, section 1st, to read, "thence at right angles from each extremity of the said line;" also, that the male inhabitants be numbered, from eighteen years and upwards, instead of seventeen.

On motion, to amend the bill, so that the survey be made at the expense of the grantees, it passed in the negative.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 14, nays 8, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Edwards, Foster, Gunn, Hawkins, Jackson, Izard, Langdon, Livermore, Martin, Robinson, andIVING.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frothingham, King, Mitchell, Ross, and Strong.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

In my first communication to Congress, during their present session, I gave them reason to expect that "certain circumstances of our intercourse with foreign nations" would be transmitted to them. There was, at that time, every assurance for believing that some of the most important of our foreign affairs would have been concluded, and others considerably matured, before they should rise. But, notwithstanding I have waited until this moment, it has so happened that, either from causes unknown to me, or from events which could not be controlled, I am yet unable to execute my original intention. That I may, however, fulfil the expectation given, as far as the actual situation of things will in my judgment permit, I now, in confidence, lay before Congress the following general statement.

Our Minister near the French Republic has urged compensation for the injuries which our commerce has sustained from captures by French cruisers, from the non-fulfilment of the contracts of the agents of the Republic with our citizens, and from the embargo at Bordeaux. He has also pressed an allowance for the money voted by Congress, for relieving the inhabitants of St. Domingo. It affords me the highest pleasure to inform Congress that perfect harmony reigns between the two Republics, and that those claims are in a train of being discussed with candor, and of being amicably adjusted.

So much of our relation to Great Britain may depend

upon the result of our late negotiations in London, that until that result shall arrive, I cannot undertake to make any communication upon this subject.

After the negotiation with Spain had been long depending, unusual and unexpected embarrassments were raised to interrupt its progress. But the Commissioner of His Catholic Majesty, near the United States, having declared to the Secretary of State, that if a particular accommodation should be made in the conducting of the business, no further delay would ensue, I thought proper, under all circumstances, to send to His Catholic Majesty an Envoy Extraordinary, specially charged to bring to a conclusion the discussions which have been formerly announced to Congress.

The friendship of Her Most Faithful Majesty has been manifested in checking the passage of the Algerine corsairs into the Atlantic Ocean. She has also furnished occasional convoys to the vessels of the United States, even when bound to other ports than her own. We may therefore promise ourselves, that as, in the ordinary course of things, few causes can exist for dissatisfaction between the United States and Portugal, so the temper with which accidental difficulties will be met on each side, will speedily remove them.

Between the Executive of the United States and the Government of the United Netherlands, but little intercourse has taken place during the last year. It may be acceptable to Congress to learn that our credit in Holland is represented as standing upon the most respectable footing.

Upon the death of the late Emperor of Morocco, an agent was despatched to renew, with his successor, the treaty which the United States had made with him. The agent unfortunately died, after he had reached Europe, in the prosecution of his mission. But, until, lately, it was impossible to determine, with any degree of probability, who of the competitors for that empire would be ultimately fixed in the supreme power. Although the measures which have been since adopted, for the renewal of the treaty, have been obstructed by the disturbed situation of Amsterdam, there are good grounds for presuming, as yet, upon the pacific disposition of the Emperor in fact, towards the United States, and that the past miscarriage will be shortly remedied.

Congress are already acquainted with the failure of the Loan, attempted in Holland, for the relief of our unhappy fellow-citizens in Algiers. This subject, than which none deserves a more affectionate zeal, has constantly commanded my best exertions. I am happy, therefore, in being able to say, that, from the last authentic accounts, the Dey was disposed to treat for a peace and ransom, and that both would, in all probability, have been accomplished, had we not been disappointed in the means. Nothing which depends upon the Executive shall be left undone, for carrying into immediate effect the supplementary act of Congress.

G. WASHINGTON.

UNITED STATES, February 28, 1795.

The Message was read, and ordered to lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," was read the third time.

On motion, by Mr. BURR, to strike out the amendment agreed to yesterday, to wit: section 2d, strike out "may be reimbursed at any time," and insert "shall be reimbursed within twenty

years, and may be reimbursed at any time after the expiration of twelve years," it passed in the negative.

On motion, to insert the following section after the 5th, to wit:

"Be it further enacted, That a Loan be opened at the Treasury to the full amount of the outstanding and unbarred new emission bills of credit, the sums which shall be subscribed to be payable in the principal and interest of such bills, computing the interest thereon to the first day of January next, and that the subscriber or subscribers shall be entitled to receive therefor a certificate for the amount of the principal sum so subscribed and paid, bearing an interest of five per centum per annum from the first day of January next, payable quarter yearly at the Treasury, and redeemable at the pleasure of the United States, by the payment of the sum specified therein, and containing a stipulation that the United States will redeem the same before the expiration of thirty years from the passing of this act, and also to another certificate for the amount of the interest on the sum so subscribed, computing the same to the first of January next, bearing an interest of three per centum per annum from the first day of January next, payable quarter yearly at the Treasury, and redeemable at the pleasure of the United States, by the payment of the sum specified therein."

It passed in the negative.

On motion, by Mr. BURR, to add the following proviso to the 11th section, to wit:

"Provided nevertheless, That, whenever the six per cent. stock shall be under par, it shall be the duty of the Commissioners of the Sinking Fund to lay out, in the purchase of the said stock, the money applicable to the payment of the said two per cent. of principal, or so much thereof as can be laid out in the purchase thereof, at a rate under par."

It passed in the negative.

On motion, by Mr. BURR, to expunge the last section of the bill, to wit:

"SEC. 20. And be it further enacted, That so much of the act laying duties upon carriages for the conveyance of persons, and of the act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail, and of the act laying certain duties upon snuff and refined sugar, and of the act laying duties on property sold at auction, as limits the duration of the said several acts, be, and the same are hereby, repealed; and that all the said several acts be, and the same are hereby, continued in force until the first day of March, one thousand eight hundred and one."

It passed in the negative.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 21, nays 1, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Izard, King, Langdon, Livermore, Martin, Mitchell, Robinson, Ross, Rutherford, Strong, and Vining.

Mr. Jackson voted in the negative.

Resolved, That this bill pass with the amendment.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter and amend the act entitled 'An act laying certain duties upon snuff

and refined sugar;" in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for the more effectual recovery of debts due from individuals to the United States;" and having agreed to sundry amendments reported by the committee,

Ordered, That this bill pass to the third reading, as amended.

Mr. FRELINGHUYSEN, from the committee to whom was recommitted the bill, sent from the House of Representatives for concurrence, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," reported further amendments, which were considered and agreed to, and the bill amended accordingly.

Ordered, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to alter and amend the act entitled 'An act laying certain duties upon snuff and refined sugar,'" was read the first time, and, by unanimous consent, the rule was dispensed with, and the bill was read the second time, and referred to Messrs. CABOT, ELLSWORTH, and IZARD, to consider and report thereon to the Senate.

MONDAY, March 2.

A message from the House of Representatives informed the Senate that the House agree to the amendment of the Senate to the bill, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," with an amendment, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to their amendment of the bill last mentioned; and,

Resolved, That they disagree to the said amendment.

On motion, it was

Resolved, That the Senate recede from their amendment to the said bill.

Mr. KING, from the committee appointed to take into consideration certain laws of the State of Georgia, referred to in the Message of the PRESIDENT OF THE UNITED STATES, of the 25th of February last, reported a resolution, which was read, as follows:

Resolved, That the President of the United States be, and hereby is, requested to give directions to the Attorney General to collect, digest, and report to the Senate, the charters, treaties, and other documents, relative to, and explanatory of, the title to the land situate in the Southwestern parts of the United States, and claimed by certain companies under a law of the State of Georgia, passed the seventh day of January last, namely: a tract of land claimed by James Gunn, Matthew McAllister, and George Walker, and their associates; also, a tract of land claimed by Nicholas Long, Thomas Glascock, Ambrose Gordon, and Thomas Cumming, and their associates; also, a tract of land claimed by John B. Scott, John C. Nightingale, and

MARCH, 1795.]

Proceedings.

[SENATE.]

Wade Hampton, and their associates; and also, a tract of land claimed by Zachariah Cox and Mathias Maher, and their associates."

Ordered, That the report lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act for the more effectual recovery of debts due from individuals to the United States," was read the third time. On motion, that the further consideration of this bill be postponed until the next Congress, it passed in negative.

On motion to expunge the 4th section of the bill, as follows:

"*And be it further enacted*, That in all cases where the final decision of the Comptroller shall be against the claimant, it shall and may be lawful for him at any time thereafter, within six months from such decision, to appeal to the Secretary of State, the Secretary of the Treasury, and the Attorney General for the time being, who are hereby authorized and required to hear such claimant on such suspended claims, and fully to determine the same upon the principles of equity and justice; which determination shall be final and conclusive to all concerned."

It passed in the negative.

On motion to add the following sections to the bill:

"*And be it further enacted*, That in all cases of a decision by the Comptroller in favor of the United States, where the party against whom such decision is had shall not appeal agreeably to the provisions of the fourth section of this act, and in all cases of an appeal, and a decision in favor of the United States, it shall be the duty of the Comptroller to direct the Attorney of the United States to bring suit in the proper court for the recovery of the balance thus awarded to be due to the United States. And the Attorney of the United States, at the time of issuing such process, shall file with the clerk a declaration, or short note, expressing the cause of action, a copy of which declaration, or short note, certified by the clerk, shall be sent with the writ, and the copy of the declaration, or short note, being served on the defendant or defendants, or left at the last place of abode, twenty days before the return of the writ, it shall and may be lawful for the courts respectively, and they are hereby authorized and required to cause such defendant or defendants to plead to issue, and shall proceed to trial or judgment the first court, and shall not allow any imparlance, unless when evidence is wanted, without which the defendant or defendants cannot safely go to trial, which fact, as also a reasonable endeavor to obtain such evidence, shall be made appear to the satisfaction of the court by affidavit of the party, or the testimony of some indifferent witness; and when the writ and declaration, or writ and short note, are not served in time, it shall be lawful for the court to grant one imparlance and no more, unless evidence is wanted as above.

"*And be it further enacted*, That in all suits to be founded on the decision of the Comptroller, or on a decision after appeal therefrom, as hereinbefore provided, the certificate of the Comptroller, or, in case of appeal, the certificate of the Secretary of State, of the decision, shall be legal evidence to establish the claim of the United States, and shall preclude all evidence of facts of an earlier date than the said decision."

It passed in the negative.

On motion, it was agreed to reconsider the vote

on the 4th section, and that it be amended to read thus:

"*And be it further enacted*, That in all cases where the final decision of the Comptroller shall be against the complainant, such determination shall be final and conclusive to all concerned."

On the question shall this bill pass as amended? it was determined in the affirmative—yeas 15, nays 6, as follows:

YEAS.—Messrs. Brown, Burr, Foster, Frelinghuysen, Gunn, Jackson, Izard, Martin, Mitchell, Morris, Potts, Robinson, Rutherford, Strong, and Vining.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, King, Langdon, and Livermore.

So it was resolved that this bill pass with the amendments.

Mr. Potts reported from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Jose Roiz Silva." Whereupon,

Resolved, That this bill do not pass.

Mr. RUTHERFORD, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the more general promulgation of the laws of the United States," reported amendments, which were read and adopted, and the bill was amended accordingly.

Ordered, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the act, entitled 'An act to regulate trade and intercourse with the Indian tribes,'" in which they desire the concurrence of the Senate.

THE PRESIDENT laid before the Senate a Report from the Secretary for the Department of War, communicated by order of the PRESIDENT OF THE UNITED STATES, letters and documents received from Major General Wayne, and from James Seagrove, agent for Indian affairs for the Creek Nation, which were read, and ordered to lie for consideration.

THE PRESIDENT also laid before the Senate statements of such claims to invalid pensions as have been received and examined, from the 21st to the 28th of February last.

Ordered, That they lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act to regulate trade and intercourse with the Indian tribes,'" was read the first time, and ordered to a second reading.

Mr. KING, from the committee appointed to take into consideration certain laws of the State of Georgia, referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 25th of February last, reported a bill authorizing the purchase of Indian goods, which was read, and, by unanimous consent, it was read the second and third times.

Ordered, That the question on the passage of this bill be postponed.

Mr. CABOT, from the committee to whom was

referred the bill, sent from the House of Representatives for concurrence, entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,'" reported amendments, which were read.

On motion, to postpone the further consideration of this bill until the next Congress, it passed in the negative; and the amendments reported by the committee being agreed to, the bill was ordered to a third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," was read the third time.

On motion, it was agreed to amend the 8th section, by adding after "rations," the following words: "or the value thereof, at the contract price, where the same shall become due, and if, at such post, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question."

Resolved, That this bill pass with the amendments.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

It appears, from information which I have lately received, that it may be probably necessary to the more successful conduct of our affairs on the coast of Barbary, that one Consul should reside in Morocco, another in Algiers, and a third in Tunis or Tripoli. As no appointment for these offices will be accepted without some emolument annexed, I submit to the consideration of Congress whether it may not be advisable to authorize a stipend to be allowed to two Consuls for that coast in addition to the one already existing.

G. WASHINGTON.

UNITED STATES, March 2, 1795.

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you copies of a Letter from the Governor of the State of Delaware, and of an Act enclosed, "declaring the assent of that State to an amendment, therein mentioned, to the Constitution of the United States."

G. WASHINGTON.

UNITED STATES, March 2, 1795.

The Messages and papers were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed the resolution, sent from the Senate for concurrence, "authorizing the exportation of arms, cannon, and military stores, in certain cases," with amendments, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the resolution last mentioned; and disagreed thereto.

The PRESIDENT laid before the Senate a letter from Samuel Meredith, Treasurer of the United States, with his accounts to 31st December last; which was read.

Ordered, That the letter and accounts lie for consideration.

The PRESIDENT laid before the Senate a Return from the Secretary for the Department of War of claims for invalid pensions, made on the 28th of February last.

Ordered, That it lie for consideration.

The Senate proceeded to the consideration of the amendments reported by the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the more general promulgation of the laws of the United States," which were adopted, and the bill amended accordingly.

Ordered, That this bill pass to a third reading.

Mr. RUTHERFURN, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making further appropriations for the Military and Naval Establishments, and for the support of Government," reported amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making provision for the purposes of treaty and of trade with the Indians," in which they desire the concurrence of the Senate; that the House of Representatives concur in the bill, sent from the Senate, entitled "An act to regulate the compensation of clerks," with an amendment, in which they desire the concurrence of the Senate; and that the House of Representatives have passed a bill, entitled "An act authorizing and directing the Secretary of War to place certain persons named therein on the pension list," in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives for concurrence was read and ordered to a second reading.

Mr. CABOT, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act establishing a Mint and regulating the coins of the United States,'" reported amendments.

MONDAY EVENING, March 2.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to regulate the compensation of clerks;" and

Resolved, That the Senate concur therein.

A message from the House of Representatives informed the Senate that the House adhere to their amendments to the resolution, authorizing the exportation of arms, cannon, and military stores, in certain cases; and they have passed a bill, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Repre-

MARCH, 1795.]

Proceedings.

[SENATE.]

sentatives for concurrence, entitled "An act making further appropriations for the Military and Naval Establishments, and for the support of Government," which were in part adopted. On motion, it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass with the amendments.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," was read the first time, and ordered to a second reading.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,'" be now read the third time.

Resolved, That this bill pass with the amendments.

On motion to agree, by unanimous consent, to dispense with the rule, and that the bill sent from the House of Representatives for concurrence, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," be now read the second time, it passed in the negative—yeas 16, nays 6, as follows:

YEAS.—Messrs. Bradford, Cabot, Edwards, Ellsworth, Foster, Frelinghuysen, Izard, King, Latimer, Martin, Mitchell, Morris, Potts, Rutherford, Strong, and Vining.

NAYS.—Messrs. Bradley, Burr, Gunn, Jackson, Livermore, and Ross.

So the consent not being unanimous, the question was lost.

Ordered, That this bill pass to the second reading.

The Senate proceeded to the consideration of the amendments adhered to by the House of Representatives, to the resolution authorizing the exportation of arms, cannon, and military stores, in certain cases; which are as follows:

Line 1st, strike out "resolved," and insert, "be it enacted." Strike out the proviso. In the title, strike out, "resolution," and insert "an act." And on the question being put severally on the amendments,

Resolved, That the Senate recede therefrom.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act for the more general promulgation of the laws of the United States," be now read the third time.

Resolved, That this bill pass with amendments.

The following bill being read the first time, on motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act making provision for the purposes of treaty and of trade with the Indians," be now read the second time.

A motion was made, by Mr. JACKSON, and se-

conded by Mr. BRADLEY, to strike out, after the word "Ohio," to the end of the bill, and insert:

"To certain lands in the State of Georgia, lying between the Oconee and Ocmulgee rivers, included within a line to be drawn from the head of the former to the head of the latter river, as also to certain lands in the said State, included within a line to be drawn from a place named Fort Romulus, on the said river Ocmulgee, in a direct course, to the head of the river St. Mary's, the same being the lands formerly known as, and included within, the county of Talassee, in the said State, and which county was given up to the Creek nation by the treaty of New York:"

It passed in the negative.

On motion, it was agreed to strike out, after the word "assembled," in the first section, to the word "enacted," inclusive, in the second section; also, to amend the title, by expunging the words "treaty and of" therefrom.

On the question, Shall this bill pass to the third reading, as amended? it was determined in the affirmative—yeas 18, nays 3, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Cabot, Ellsworth, Frelinghuysen, Gunn, Izard, King, Latimer, Livermore, Mitchell, Potts, Ross, Rutherford, Strong, and Vining.

NAYS.—Messrs. Hawkins, Langdon, and Martin.

Mr. JACKSON declined voting on the question.

Ordered, That this bill pass to the third reading, as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to obtain a cession of claim to certain territory;" in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to a second reading.

On motion to dispense with the rule, and to agree, by unanimous consent, that this bill be now read the second time, it passed in the negative.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act establishing a Mint, and regulating the Coins of the United States,'" be now read the third time.

Resolved, That this bill pass with the amendments.

On motion, that the bill sent from the House of Representatives for concurrence, entitled "An act authorizing and directing the Secretary of War to place certain persons, named therein, on the pension list," be now read the second time, by unanimous consent, it was objected to, and the Senate adjourned.

TUESDAY, March 3.

Mr. CABOT reported, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for extending the time relative to drawbacks on the exportation of certain military stores." Whereupon,

Resolved, That this bill do not pass.

The memorial of the merchants in the district of Providence, in the State of Rhode Island, was presented and read, praying for an explanatory amendment of the law, entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," in regard to the vessels bound to Providence coming to anchor and remaining longer than twenty-four hours, in the harbor and district of Newport.

Ordered, That the memorial lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," was read the second time and amended, by striking out the 13th section of the bill, as follows:

"*And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole five per centum of the total amount of the said duties collected."

On motion, it was agreed to amend the 14th section of the bill, by inserting, in line 5th, after the word "notwithstanding," these words: "but the revenue to arise from the duty on carriages for the conveyance of persons shall remain charged with the same appropriations as if this act had not passed."

On motion to dispense with the rule, and that this bill be now read a third time by unanimous consent, it was not agreed to.

The Senate resumed the consideration of the resolution, reported yesterday, relative to the title to certain lands situate in the Southwestern parts of the United States.

On motion, by Mr. JACKSON, to strike out all the resolution after the words "Southwestern parts of the United States," in the 8th and 9th lines, it passed in the negative.

On motion, by Mr. BURR, to amend the resolution, by striking out all the words after the words "explanatory of," line 6th, and inserting "the extent and boundaries of the State of Georgia, and the title of the said State to the lands by them sold or claimed," it passed in the negative.

On motion, to agree to the resolution, it was determined in the affirmative—yeas 19, nays 2, as follows:

YEAS.—Messrs. Bradford, Brown, Burr, Cabot, Ellsworth, Gunn, Hawkins, Izard, King, Latimer, Livermore, Martin, Mitchell, Morris, Potts, Robinson, Rutherford, Strong, and Vining.

NAYS.—Messrs. Frelinghuysen and Jackson.

The bill sent from the House of Representatives for concurrence, entitled "An act making provision for the purposes of a treaty and of trade with the Indians," was read the third time.

Resolved, That this bill pass as amended.

The Senate proceeded to the second reading of

the bill sent from the House of Representatives for concurrence, entitled "An act authorizing and directing the Secretary of War to place certain persons named therein on the pension list."

Resolved, That the further consideration of this bill be postponed until the next Congress.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to regulate trade and intercourse with the Indian tribes,'" was read the second time.

On motion to strike out the following words, section 1st, line 4th to 6th, "unless it shall be in continuation of a pursuit (not approaching nearer than five miles to any Indian town) of the particular Indians who shall have recently committed murder, or may be carrying off captives," it passed in the negative.

On motion to dispense with the rule by unanimous consent, and that the bill be now read the third time, it was objected to by Mr. JACKSON.

The bill authorizing the purchase of Indian goods having been read the third time, the further consideration thereof was postponed until the next Congress.

Resolved, That the bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, be postponed to the next Congress.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to obtain a cession of claim to certain territory," was read the second time.

On motion, by Mr. BURR, to amend the bill, to be read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and empowered to obtain, by purchase or donation, a relinquishment and cession of the whole or any part of the lands claimed by or under the State of Georgia, and without the ordinary jurisdiction thereof."

It passed in the negative.

On motion, by Mr. HAWKINS, to reconsider the amendment last proposed, and to adopt the same, it was agreed to.

On motion to dispense with the rule by unanimous consent, and that this bill be now read the third time, as amended, it was objected to by Mr. JACKSON.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate relative to the title to certain land situate in the Southwestern parts of the United States, with an amendment to strike out "Senate," and insert "next Congress," in line 5th, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the last mentioned resolution; and concurred therein.

Ordered, That the Secretary of the Senate be authorized and directed to pay to James Blathers,

JUNE, 1795.]

Proceedings.

[SENATE.]

Doorkeeper to the Senate, out of any moneys appropriated to defray the contingent expenses of the Senate, one hundred and fifty dollars, for extra services.

On motion to dispense with the rule by unanimous consent, and that the bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," be now read the third time; it was not agreed to.

Mr. BURR laid before the Senate a motion, as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"That the term for which the members of the Senate and House of Representatives of the next Congress are or shall be chosen shall expire on the first day of June next following the third day of March, on which it would have expired if this amendment to the Constitution had not been adopted."

Ordered, That this motion lie for consideration.

TUESDAY EVENING, March 3.

A message from the House of Representatives informed the Senate that the House having finished the business of the session, are about to adjourn.

Ordered, That Messrs. IZARD and MORRIS be a committee, jointly, with such committee as the House of Representatives may appoint on their part, to wait on the PRESIDENT OF THE UNITED STATES, and inform him that Congress is ready to adjourn without day, unless he may have any further communications to make.

Ordered, That the Secretary acquaint the House of Representatives therewith, and desire the appointment of a committee on their part.

A message from the House of Representatives informed the Senate that the House have appointed a joint committee on their part to wait on the PRESIDENT OF THE UNITED STATES, and inform him that Congress is ready to adjourn.

Mr. IZARD reported, from the joint committee, that they had waited on the PRESIDENT OF THE UNITED STATES, who informed them that he had no further communications to make to Congress during this session. Whereupon, it was

Resolved, That the Senate adjourn without day.

EXECUTIVE JOURNAL.

THE TENTH SESSION OF THE SENATE OF THE UNITED STATES, CONVENED, ON
MONDAY, JUNE 8, 1795.

MONDAY, June 8, 1795.

Pursuant to a call from the PRESIDENT OF THE UNITED STATES, in a Circular addressed to the several Senators, informing each that "certain matters touching the public good required that the Senate should be convened on the above day, at the Senate Chamber, in Philadelphia, then and there to receive and deliberate on such communications as he shall then make to them:" the Senate assembled accordingly.

PRESENT:

JOHN ADAMS, Vice President of the United States and President of the Senate.

From New Hampshire.—JOHN LANGDON and SAMUEL LIVERMORE.

From Massachusetts.—CALEB STRONG and GEORGE CABOT.

From Vermont.—MOSES ROBINSON.

From Connecticut.—OLIVER ELLSWORTH and JONATHAN TRUMBULL.

From Rhode Island.—THEODORE FOSTER and WILLIAM BRADFORD.

From New York.—RUFUS KING and AARON BURR.

From New Jersey.—JOHN RUTHERFURD.

From Pennsylvania.—JAMES ROSS and WILLIAM BINGHAM.

From Delaware.—HENRY LATIMER.

From Maryland.—RICHARD POTTS.

From Virginia.—HENRY TAZEWELL and STEPHENS THOMSON MASON.

From Kentucky.—JOHN BROWN and HUMPHREY MARSHALL.

From North Carolina.—ALEXANDER MARTIN and TIMOTHY BLOODWORTH.

From South Carolina.—JACOB READ.

From Georgia.—JAMES JACKSON.

Ordered, That Mr. STRONG and Mr. LANGDON be a committee to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the Senate is assembled, and ready to receive any communications he may be pleased to make.

Mr. STRONG reported, from the committee, that they had waited on the PRESIDENT OF THE UNITED STATES, and that he informed them he would make some communications to the Senate immediately.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

SENATE.]

Proceedings.

[JUNE, 1795.]

Gentlemen of the Senate :

In pursuance of my nomination of John Jay as Envoy Extraordinary to His Britannic Majesty, on the 16th day of April, 1794, and of the advice and consent of the Senate thereto, on the 19th, a negotiation was opened in London. On the 7th of March, 1795, the Treaty resulting therefrom was delivered to the Secretary of State. I now transmit to the Senate that Treaty, and other documents connected with it. They will, therefore, in their wisdom, decide whether they will advise and consent that the said Treaty be made between the United States and His Britannic Majesty.

G. WASHINGTON.

UNITED STATES, June 8, 1795.

The Message, Treaty, and other documents referred to in the Message, were, in part, read, and the further reading thereof postponed.

Ordered, That the Senators be under an injunction of secrecy on the communications this day received from the PRESIDENT OF THE UNITED STATES, until the further order of the Senate.

Ordered, That the Secretary procure, printed under an injunction of secrecy, thirty-one copies only, of the Treaty referred to in the Message of the PRESIDENT OF THE UNITED STATES, of this day, for the use of the Senate.

TUESDAY, June 9.

PIERCE BUTLER, from the State of South Carolina, and FREDERICK FRELINGHUYSEN, from the State of New Jersey, severally attended.

JAMES GUNN, from the State of Georgia, produced his credentials, and, the usual oath being administered, took his seat in the Senate.

Ordered, That there be printed two additional copies of the Treaty referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 8th instant.

The papers referred to in the said Message were read, and ordered to lie for consideration.

WEDNESDAY, June 10.

The Senate assembled—present as yesterday, and, after deliberation, adjourned to eleven o'clock to-morrow morning.

THURSDAY, June 11.

The Senate assembled—present as yesterday.

The Treaty referred to in the Message of the 8th instant was read and considered.

Ordered, That the further consideration thereof be postponed until to-morrow.

FRIDAY, June 12.

JOHN HENRY, from the State of Maryland, produced his credentials, and the usual oath being administered, he took his seat in the Senate.

The Senate resumed the consideration of the Treaty communicated from the PRESIDENT OF THE UNITED STATES, in his Message of the 8th instant.

A motion was made that the said Treaty be published.

And, on motion, it was agreed to modify the motion as follows :

"Ordered, That so much of the resolution of the 8th instant as enjoins secrecy upon the Senators with respect to the communications on that day received from the President, be rescinded :"

And on the question to agree to the motion thus modified, a motion was made for, and the yeas and nays were agreed to ; and, after deliberation, it was agreed to postpone this question until to-morrow.

On motion to adjourn, it passed in the negative ; and, after debate, the further consideration of the Treaty above mentioned was postponed until to-morrow.

The following Messages were received from the PRESIDENT OF THE UNITED STATES :

Gentlemen of the Senate :

I nominate the following persons to fill the offices annexed to their respective names, some of which have been appointed during the recess of the Senate :

John Kely, of Maryland, to be Supervisor of the Revenue for the District of Maryland, vice George Gale, resigned.

James Simons, of South Carolina, to be Naval Officer for the port of Charleston, vice Isaac Motte, deceased.

William Simmons, of Pennsylvania, to be Accountant for the Department of War, vice Joseph Howell, resigned.

Pierre Eric Skoldibrand, jr., to be Consul of the United States for the port of Algiers, and for such other places as shall be nearer to the said port than to the residence of any other Consul or Vice Consul of the United States within the same allegiance.

Joseph Donaldson, jr., to be Consul of the United States for the ports of Tripoli and Tunis, and for such other places as shall be nearer to the said ports than to the residence of any other Consul or Vice Consul of the United States within the same allegiance.

John Overton, to be Inspector of the Revenue for the District of Tennessee, in the Territory of the United States Southwest of the river Ohio.

George Phillips, of Connecticut, to be Collector for the District of Middletown.

Waterman Thomas, of Massachusetts, to be Collector for the District of Walldoborough, and Inspector of the Revenue for the port of Walldoborough.

Thomas Vose, of Massachusetts, to be surveyor for the port of Thomaston, and Inspector of the Revenue for the same.

William Tuck, of Massachusetts, to be Collector for the District of Gloucester, vice Eppes Sargent, resigned.

Henry Malcomb, of New York, to be Collector for the District of Hudson.

Richard Dickinson, of Connecticut, to be Surveyor for the port of Saybrook, and Inspector of the Revenue for the same.

William Adams, of Connecticut, to be Surveyor for the port of Hartford, and Inspector of the Revenue for the same.

G. WASHINGTON.

UNITED STATES, June 12, 1795.

Gentlemen of the Senate :

On the twenty-ninth day of December, 1794, the following nominations for promotions were laid before the Senate :

JUNE, 1795.]

Proceedings.

[SENATE.]

First Sub-Legion.

Bernard Gaines, Captain, 30th June, 1794, vice Kersey, promoted.

Bartholomew Shomberg, Captain, 30th June, 1794, vice Hartshorne, killed.

John Wade, Captain, 1st July, 1794, vice Peters, promoted.

Ross Bird, Captain, 6th July, 1794, vice Jeffers, resigned.

And on the 25th day of February, 1795, the following:

Ferdinand Leigh Claiborne, Lieutenant, 30th June, 1794, vice Gaines, promoted.

John Breck, Lieutenant, 30th June, 1794, vice Shomberg, promoted.

Edmund Taylor, Lieutenant, 1st July, 1794, vice Wade, promoted.

Elijah Strong, Lieutenant, 6th July, 1794, vice Bird, promoted.

Rezin Webster, Lieutenant, 11th July, 1794, vice Montford, resigned.

It has since appeared that the resignation of Captain Clay had escaped notice at the War Office, which, rendering the above arrangement incorrect, the issuing of commissions to those officers has been suspended.

To rectify that arrangement, and to fill some vacancies, I now make the following nominations of persons to offices in the Army of the United States:

First Sub-Legion.

Bernard Gaines, Captain, 1st April, 1794, vice Clay, resigned.

Bartholomew Shomberg, Captain, 30th June, 1794, vice Kersey, promoted.

John Wade, Captain, 30th June, 1794, vice Hartshorne, killed.

Ross Bird, Captain, 1st July, 1794, vice Peters, promoted.

Hastings Marks, Captain, 6th July, 1794, vice Jeffers, resigned.

Ferdinand Leigh Claiborne, Lieutenant, 1st April, 1794, vice Gaines, promoted.

John Breck, Lieutenant, 30th June, vice Shomberg, promoted.

Edmund Taylor, Lieutenant, 30th June, 1794, vice Wade, promoted.

Elijah Strong, Lieutenant, 1st July, 1794, vice Bird, promoted.

Rezin Webster, Lieutenant, 6th July, vice Marks, promoted.

Cavalry.

Paul McDermot, Cornet, vice Torrey, killed, to rank from 1st May, 1795.

James V. Ball, Cornet, vice Posey, promoted, to rank from 1st May, 1795.

Corps of Artillerists and Engineers.

Peter A Dransy, Lieutenant, vice Hutchins, resigned, to rank from 10th April, 1795.

Second Sub-Legion.

William Marts, Captain, 20th April, 1795, vice Andrews, resigned.

Ensigns.

George Salmon, vice Butler, promoted, to rank from 1st May, 1795.

William Scott, vice Claiborne, promoted to rank from 1st May, 1795.

John Callender, vice Breck, promoted, to rank from 1st May, 1795.

Merriwether Lewis, vice McLean, promoted, to rank from 1st May, 1795.

G. WASHINGTON,

UNITED STATES, June 12, 1795.

The Messages and papers were read, and ordered to lie for consideration.

SATURDAY, June 13.

ELIJAH PAINE, from the State of Vermont, produced his credentials, and the usual oath being administered, he took his seat in the Senate.

The Senate proceeded to consider the nomination of John Kely and others, made by the PRESIDENT of the UNITED STATES, in his Message of the 12th instant; and

Resolved, That they advise and consent to the appointments, agreeably to the respective nominations.

The Senate proceeded to consider the *military* nominations contained in the other Message of the PRESIDENT of the UNITED STATES, of the 12th instant; and

Resolved, That they advise and consent to the appointments, agreeably to the respective nominations.

Ordered, That the Secretary lay these resolutions, respectively, before the PRESIDENT of the UNITED STATES.

The Senate resumed the consideration of the Treaty communicated by the PRESIDENT of the UNITED STATES, with his Message of the 8th instant, and the motion yesterday made thereon, to wit:

That so much of the resolution of the 8th instant as enjoins secrecy upon the Senators, with respect to the communications on that day received from the PRESIDENT, be rescinded.

And the question being taken, it passed in the negative—yeas 9, nays 20, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Mason, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Martin, Paine, Potts, Read, Ross, Rutherford, Strong and Trumbull.

And, after progress in the consideration of the Treaty, the Senate adjourned.

MONDAY, June 15.

JOHN VINING, from the State of Delaware, attended.

The Senate resumed the consideration of the Treaty, communicated by the PRESIDENT of the UNITED STATES, with his Message of the 8th instant; and, after progress, the Senate adjourned.

TUESDAY, June 16.

The Senate resumed the consideration of the Treaty communicated by the PRESIDENT of the UNITED STATES, with his Message of the 8th instant; and,

SENATE.]

Proceedings.

[JUNE, 1795.]

On motion, it was agreed to refer the 12th article to the future discussion of the Senate; and, after progress in the consideration of the 13th article, the Senate adjourned.

WEDNESDAY, June 17.

The Senate resumed the consideration of the Treaty, communicated with the Message of the PRESIDENT OF THE UNITED STATES, of the 8th instant, and after discussion on the remaining articles, a motion was made and seconded, that it be

Resolved, (two-thirds of the Senate concurring therein,) That they do consent to, and advise the President of the United States, to ratify the Treaty of Amity, Commerce, and Navigation, between His Britannic Majesty and the United States of America, concluded at London, the 19th day of November, 1794, on condition that there be added to the said Treaty an article whereby it shall be agreed to suspend the operation of so much of the 12th article as respects the trade which His said Majesty thereby consents may be carried on between the United States and his Islands in the West Indies, in the manner, and on the terms and conditions therein specified.

"And the Senate recommend to the President, to proceed, without delay, to further friendly negotiations with His Majesty, on the subject of the said trade, and of the terms and conditions in question."

On motion, it was agreed, that this motion lie for consideration, until to-morrow.

THURSDAY, June 18.

The Senate assembled; and, on motion to adjourn until Monday next, it passed in the negative—yeas 10, nays 19, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

NAVS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Rutherford, Strong, Trumbull, and Vining.

Whereupon the discussion of the 12th article of the Treaty was renewed; and, after debate, the Senate adjourned.

FRIDAY, June 19.

On motion.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause to be laid before the Senate the reports of John Jay while in the Office of Foreign Affairs, the correspondence between the Commander-in-Chief of the American Army with Sir Guy Carleton, on the subject of the 7th article of the Treaty of Peace with Great Britain, and also Mitchell's map of North America.

Ordered, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

SATURDAY, June 20.

The Senate resumed the consideration of the motion, made on the 17th, respecting the 12th article of the Treaty communicated with the Mes-

sage of the PRESIDENT OF THE UNITED STATES, of the 8th instant.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, by order of the PRESIDENT OF THE UNITED STATES, with the following documents requested yesterday:

Three volumes of the reports of Mr. Jay, while Secretary of Foreign Affairs.

A printed copy of the official papers laid before Congress by the Message of the 5th of December, 1793, and a translation of Mitchell's map of the United States.

MONDAY, June 22.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary for the Department of State, with a "list of the negroes, to which the correspondence between the Commander-in-Chief of the American Army and Sir Guy Carleton relates;" which was read, and, with the document referred to, ordered to lie on the table.

The Senate resumed the consideration of the motion, made on the 17th instant, on the 12th article of the Treaty communicated with the Message of the PRESIDENT OF THE UNITED STATES, of the 8th instant; and a motion was made by Mr. BURR to postpone this motion, and to agree to the following resolution:

"That the further consideration of the Treaty, concluded at London the 19th of November, 1794, be postponed, and that it be recommended to the President of the United States, to proceed, without delay, to further friendly negotiations with His Britannic Majesty, in order to effect alterations in the said Treaty, in the following particulars:

"That the 9th, 10th, and 24th articles, and so much of the 25th as relates to the shelter or refuge to be given to the armed vessels of States or Sovereigns at war with either party, be expunged.

"2d article. That no privilege or right be allowed to the settlers or traders mentioned in the 2d article, other than those which are secured to them by the Treaty of 1783, and existing laws.

"3d article. That the third article be expunged, or be so modified that the citizens of the United States may have the use of *all* rivers, ports, and places within the Territories of His Britannic Majesty in North America, in the same manner as his subjects may have of those of the United States.

"6th article. That the value of the negroes and other property carried away, contrary to the 7th article of the Treaty of 1783, and the loss and damage sustained by the United States by the detention of the posts, be paid for by the British Government; the amount to be ascertained by the Commissioners who may be appointed to liquidate the claims of the British creditors.

"12th article. That what relates to the West India trade, and the provisos and conditions thereof, in the 12th article, be expunged, or be rendered much more favorable to the United States, and without any restraint on the exportation, in vessels of the United States, of any articles, not the growth, produce, or manufactures of the said islands of His Britannic Majesty.

"16th article. That no clause be admitted which may restrain the United States from reciprocating benefits by discriminating between foreign nations in their com-

JUNE, 1795.]

Proceedings.

[SENATE.]

mercial arrangements, or prevent them from increasing the tonnage or other duties on British vessels, on terms of reciprocity, or in a stipulated ratio.

"21st article. That the subjects or citizens of either party, be not restrained from accepting commissions in the Army or Navy of any foreign Power."

And, after debate, the Senate adjourned.

TUESDAY, June 23.

The Senate resumed the consideration of the motion made on the 22d, for the postponement of the motion of the 17th instant, on the 12th article of the Treaty communicated with the Message of the PRESIDENT OF THE UNITED STATES, of the 8th instant.

And, after debate, the yeas and nays being required by one-fifth of the Senators present, it passed in the negative—yeas 10, nays 20, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

WEDNESDAY, June 24.

The Senate resumed the consideration of the motion made on the 17th instant, respecting the 12th article of the Treaty communicated with the Message of the PRESIDENT OF THE UNITED STATES of the 8th instant; and

A motion was made by Mr. READ, seconded by Mr. BUTLER, to amend the motion after the word "specified," as follows:

"And also for obtaining adequate compensation for the negroes, or other property of the American inhabitants, carried off from the United States, in violation of the definitive Treaty of Peace and Friendship, between his said Majesty and the United States, signed at Paris, the 3d day of September, 1783;"

And, after deliberation, it was agreed that the honorable mover have leave to withdraw the motion, in order to introduce a motion drawn up with more consideration on the same subject. Whereupon the motion was renewed by Mr. BROWN, seconded by Mr. JACKSON; and, on the question to agree thereto, it passed in the negative—yeas 12, nays 15, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Read, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Livermore, Paine, Potts, Ross, Rutherford, Strong, and Trumbull.

A motion was made to postpone the motion before the Senate, for the purpose of taking into consideration the following motion, to wit:

"That the President of the United States be informed that the Senate will not consent to the ratification of the Treaty of Amity, Commerce, and Navigation, between the United States and His Britannic Majesty, concluded at London on the 19th November, 1794, for the reasons following:

"1st. Because so much of the Treaty as was intend-

ed to terminate the complaints flowing from the inexecution of the Treaty of 1783, contains stipulations that were not rightfully or justly requirable of the United States, and which are both impolitic and injurious to their interests; and because the Treaty hath not secured that satisfaction from the British Government, for the removal of negroes in violation of the Treaty of 1783, to which the citizens of the United States were justly entitled.

"2d. Because the rights of individual States, are, by the ninth article of the Treaty, unconstitutionally invaded.

"3d. Because, however impolitic or unjust it may generally be to exercise the power prohibited by the tenth article, yet it rests on Legislative discretion, and ought not to be prohibited by Treaty.

"4th. Because so much of the Treaty as relates to commercial arrangements between the parties, wants that reciprocity upon which alone such like arrangements ought to be founded, and will operate ruinously to the American commerce and navigation.

"5th. Because the Treaty prevents the United States from the exercise of that control over their commerce and navigation, as connected with other nations, which might better the condition of their intercourse with friendly nations.

"6th. Because the Treaty asserts a power in the President and Senate, to control, and even annihilate the Constitutional right of the Congress of the United States over their commercial intercourse with foreign nations.

"7th. Because, if the construction of this Treaty should not produce an infraction of the Treaties now subsisting between the United States and their allies, it is calculated to excite sensations which may not operate beneficially to the United States.

"Notwithstanding the Senate will not consent to the ratification of this Treaty, they advise the President of the United States to continue his endeavors, by friendly discussion with his Britannic Majesty, to adjust all the real causes of complaint between the two nations:"

Whereupon, on motion, it was agreed to divide this last motion as follows, to wit: "That the motion of the 17th, now before the Senate, be postponed;" and it passed in the negative—yeas 10, nays 19, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Whereupon, a motion was made to divide the original motion, made on the 17th instant, and now before the Senate, so as to adopt the first paragraph thereof, ending with the word "specified;" and it passed in the affirmative—yeas 20, nays 10, as follows:

YEAS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

NAYS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

On motion to adopt the last paragraph of the

said original motion, it passed in the affirmative—as follows:

YEAS.—Messrs. Bingham, Bloodworth, Bradford, Brown, Burr, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Jackson, King, Langdon, Latimer, Livermore, Marshall, Martin, Mason, Paine, Potts, Read, Robinson, Ross, Rutherford, Strong, Tazewell, Trumbull, and Vining.

So this paragraph was unanimously agreed to; and it was

Resolved, (two-thirds of the Senate concurring therein,) That they do consent to, and advise the President of the United States to ratify the Treaty of Amity, Commerce, and Navigation, between His Britannic Majesty and the United States of America, concluded at London, the 19th day of November, 1794, on condition that there be added to the said Treaty an article, whereby it shall be agreed to suspend the operation of so much of the 12th article, as respects the trade which his said Majesty thereby consents may be carried on, between the United States and his Islands in the West Indies, in the manner, and on the terms and conditions therein specified.

And the Senate recommend to the PRESIDENT to proceed, without delay, to further friendly negotiations with His Majesty, on the subject of the said trade, and of the terms and conditions in question.

Ordered, That the Secretary lay the resolution before the PRESIDENT of the UNITED STATES.

A motion was made by Mr. GUNN, seconded by Mr. READ, as follows:

"Whereas it is alleged by divers American citizens, that negroes and other property, to a considerable amount, were carried away in contravention of the seventh article of the Treaty of Peace between the United States and His Britannic Majesty:

"Resolved, That the Senate recommend to the President of the United States, to renew, by friendly negotiation with his said Majesty, the claims of the American citizens, to compensation for the negroes and other property, so alleged to have been carried away; and in case the disagreement that has hitherto existed, relative to the construction in this behalf of the said article, cannot be removed by candid and amicable discussions, that it be proposed, as a measure calculated to cherish and confirm the good understanding and friendship which it is desired may prevail between the two countries, that Commissioners be appointed, in the manner directed by the sixth article of the Treaty of Amity, Commerce, and Navigation, lately concluded between the United States and his said Majesty, with authority to ascertain and decide, as well the interpretation of the said seventh article in this respect, as likewise the amount of the losses sustained by the alleged violation of the same.

"But the Senate are of opinion that the negotiation on this subject should be distinct from, and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's islands in the West Indies."

And, after debate, it was agreed that this motion lie until to-morrow for consideration.

THURSDAY, June 25.

The motion made by Mr. GUNN, as last recited, and yesterday referred to this day for consideration, was resumed.

On motion to divide this motion, and to agree to all that is contained from the word "*whereas*," to the word "*same*," at the end of the first paragraph of the resolution inclusive, it passed in the affirmative—yeas 27, nays 1, as follows:

YEAS.—Messrs. Bingham, Bloodworth, Bradford, Brown, Burr, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Jackson, King, Langdon, Latimer, Livermore, Marshall, Martin, Paine, Potts, Read, Robinson, Ross, Rutherford, Strong, Trumbull, and Vining.

Mr. Tazewell voted in the negative.

A motion was made by Mr. JACKSON, to amend the *last* paragraph of the motion under the consideration of the Senate, to wit:

"But the Senate are of opinion that the negotiation on this subject should be distinct from, and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's islands in the West Indies," to be read as follows:

"And the Senate are of opinion that the negotiation on this subject be considered as part of the negotiation recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's islands in the West Indies."

Whereupon an amendment, after division of a motion, was objected to as not being in order, and on appeal to the PRESIDENT, it was by him determined in the affirmative; and, on the question to agree to the amendment proposed, it passed in the negative—yeas 11, nays 17, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

On the question to agree to the last clause of the original motion, to wit:

"But the Senate are of opinion that the negotiation on this subject should be distinct from, and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's islands in the West Indies."

The yeas and nays were required by one-fifth of the Senators present—

Those who voted in the affirmative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Those who voted in the negative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

Yeas 18, nays 11. So the question was lost, there not being two-thirds of the Senators present in the affirmative.

On motion by Mr. BUTLER, seconded by Mr. FRELINGHUYSEN, to reconsider this last question,

JUNE, 1795.]

Proceedings.

[SENATE.]

The yeas and nays were required by one-fifth of the Senators present—

Those who voted in the affirmative are—Messrs. Bingham, Bradford, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Those who voted in the negative, are—Messrs. Bloodworth, Brown, Burr, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

Yeas 19, nays 10. So the question of reconsideration was lost, there not being two-thirds of the Senators present in the affirmative.

On motion, by Mr. RUTHERFORD, for the question on the resolution as amended, to wit:

"Whereas, it is alleged by divers American citizens, that negroes and other property, to a considerable amount, were carried away in contravention of the 7th article of the Treaty of Peace between the United States and His Britannic Majesty:

"Resolved, that the Senate recommend to the President of the United States to renew by friendly negotiation with his said Majesty, the claims of the American citizens to compensation for the negroes and other property so alleged to have been carried away; and in case the disagreement, that has hitherto existed relative to the construction in this behalf of the said article, cannot be removed by candid and amicable discussions, that it be proposed, as a measure calculated to cherish and confirm the good understanding and friendship which it is desired may prevail between the two countries, that Commissioners be appointed in the manner directed by the 6th article of the Treaty of Amity, Commerce, and Navigation lately concluded between the United States and his said Majesty, with authority to ascertain and decide, as well the interpretation of the said 7th article, in this respect, as likewise the amount of the losses sustained by the alleged violation of the same:"

It passed in the negative—yeas 14, nays 15, as follows:

YEAS.—Messrs. Bloodworth, Brown, Butler, Burr, Gunn, Jackson, Langdon, Marshall, Martin, Mason, Paine, Read, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, King, Latimer, Livermore, Potts, Ross, Rutherford, Strong, Trumbull, and Vining.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate:

It has been represented by our Minister Plenipotentiary, near the French Republic, that such of our commercial relations with France as may require the support of the United States, *in detail*, cannot be well executed without a Consul General. Of this I am satisfied, when I consider the extent of the mercantile claims now depending before the French Government; the necessity of bringing into the hands of one agent the various applications to the several Committees of Administration residing at Paris; the attention which must be paid to the conduct of Consuls and Vice-Consuls; and the nature of the services which are the peculiar objects of a Minister's care, and leave no leisure for his intervention in business to which Consular functions are competent. I therefore nominate

Fulwar Skipwith, to be Consul General of the United States, in France.

I also nominate John Kely, of Maryland, to be Inspector of the Revenue for Survey No. 1, in the District of Maryland.

William Nichols, of Pennsylvania, to be Marshal of and for the Pennsylvania District, vice David Lenox, resigned.

John Davis, of Plymouth, in Massachusetts, to be Comptroller of the Treasury of the United States, vice Jonathan Jackson, declined.

John Stockton, to be Commissioner of Loans for the State of Delaware, vice James Tilton, resigned.

Dudley Atkins Tyng, of Massachusetts, to be Collector for the District of Newburyport, vice Edward Wigglesworth, superseded; and

George Foster, to be Collector for the district of Sunbury, in the State of Georgia, vice James James, who was appointed by the name of John James, in February last, and who has declined.

G. WASHINGTON.

UNITED STATES, June 25, 1795.

Gentlemen of the Senate:

Just at the close of the last session of Congress, I received from one of the Senators and one of the Representatives of the State of Georgia, an application for a Treaty to be held with the tribes or nations of Indians claiming the right of soil to certain lands lying beyond the present temporary boundary line of that State, and which were described in an Act of the Legislature of Georgia, passed on the 28th of December last, which has already been laid before the Senate. This application, and the subsequent correspondence with the Governor of Georgia, are herewith transmitted. The subject being very important, I thought proper to postpone a decision upon that application. The views I have since taken of the matter, with the information received of a more pacific disposition on the part of the Creeks, have induced me now to accede to the request: but with this explicit declaration: That neither my assent, nor the Treaty which may be made, shall be considered as affecting any question which may arise upon the supplementary Act passed by the Legislature of the State of Georgia, on the 7th of January last, upon which inquiries have been instituted, in pursuance of a resolution of the Senate and House of Representatives; and that any cession or relinquishment of the Indian claims shall be made in the general terms of the Treaty of New York, which are contemplated as the form proper to be generally used on such occasions, and on the condition that one-half of the expense of the supplies of provisions for the Indians assembled at the Treaty, be borne by the State of Georgia.

Having concluded to hold the Treaty requested by that State, I was willing to embrace the opportunity it would present, of inquiring into the causes of the dissatisfaction of the Creeks which has been manifested, since the Treaty of New York, by their numerous and distressing depredations on our Southwestern frontiers. Their depredations on the Cumberland have been so frequent, and so peculiarly destructive, as to lead me to think they must originate in some claim to the lands upon that river. But whatever may have been the cause, it is important to trace it to its source; for, independent of the destruction of lives and property, it occasions a very serious annual expense to the United States. The Commissioners for holding the proposed Treaty, will, therefore, be instructed to inquire into the causes of the hostilities to which I have referred, and to

enter into such reasonable stipulations as will remove them, and give permanent peace to those parts of the United States.

I now nominate Benjamin Hawkins, of North Carolina, George Olymer, of Pennsylvania, and Andrew Pickens, of South Carolina, to be Commissioners to hold a Treaty with the Creek nation of Indians, for the purposes herein before expressed.

G. WASHINGTON.

UNITED STATES, June 25, 1795.

The Messages and papers therein referred to were severally read, and ordered to lie until tomorrow for consideration.

A motion was made by Mr. BURR, seconded by Mr. LIVERMORE,

"That the resolution of the 8th instant, enjoining secrecy upon the Senators, with regard to the communications on that day made by the President, be rescinded; but that it be nevertheless enjoined upon the Senators not to authorize or allow any publication in print, of the said communication, or any article thereof."

Whereupon a motion was made by Mr. ELLSWORTH, to postpone the motion before the Senate, in order to introduce the following motion:

"That, until the Treaty yesterday before the Senate shall be ratified, it should be left solely to the discretion of the President of the United States, what publication, if any, shall be made of the same."

And it passed in the negative.

A motion was made to amend the original motion, by striking out all that succeeds the word "rescinded;" and it passed in the negative.

And on the question to agree to the original motion, it passed in the affirmative.

On motion by Mr. KING, seconded by Mr. CABOT, to reconsider the motion last adopted, it passed in the affirmative. Whereupon,

Ordered, That the Secretary forthwith notify the absent Senators of the above vote of reconsideration.

FRIDAY, June 26.

The Senate proceeded to the consideration of the Message of the PRESIDENT OF THE UNITED STATES, of the 25th instant, and the nominations therein contained, of Fulwar Skipwith and others.

Resolved, That the Senate advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

On motion by Mr. LIVERMORE, seconded by Mr. BUTLER, that it be

"Resolved, That the injunction of secrecy concerning the communications made by the President of the United States, on the 8th of June, instant, be rescinded:"

A motion was made by Mr. READ, seconded by Mr. FOSTER, to postpone this motion; and it passed in the negative.

On motion by Mr. READ, to amend the original motion by adding these words:

"But that it be nevertheless enjoined upon the Senators not to authorize or allow any copy of the said communication, or of any article thereof:"

It passed in the affirmative—yeas 14, nays 12, as follows:

YEAS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Gunn, King, Latimer, Marshall, Potts, Read, Ross, Strong, and Trumbull.

NAYS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Livermore, Martin, Mason, Paine, Robinson, and Tazewell.

And on the question to agree to the motion as amended, it passed in the affirmative—yeas 18, nays 9, as follows:

YEAS.—Messrs. Bingham, Bloodworth, Bradford, Brown, Cabot, Ellsworth, Foster, Gunn, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Strong, and Trumbull.

NAYS.—Messrs. Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, Rutherford, and Tazewell.

So it was Resolved, That the injunction of secrecy concerning the communications made by the PRESIDENT OF THE UNITED STATES, on the 8th of June, instant, be rescinded; but that it be, nevertheless, enjoined upon the Senators not to authorize or allow any copy of the said communication, or of any article thereof.

The Senate proceeded to the consideration of the Message of the PRESIDENT OF THE UNITED STATES, of the 25th instant, and the nominations therein contained, of Benjamin Hawkins, and others; and

Resolved unanimously, That the Senate do advise and consent to the appointments, agreeably to the nominations, respectively.

Ordered, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

On motion,

Ordered, That Mr. CABOT and Mr. BROWN wait on the PRESIDENT OF THE UNITED STATES, and acquaint him that the Senate have finished the business before them, and are ready to adjourn, unless he may have any further communications to make.

Mr. CABOT reported that the PRESIDENT OF THE UNITED STATES had no further communications to make to the Senate, than his hearty wishes that, in a speedy meeting with their friends, they may enjoy every felicity.

On motion,

Ordered, That there be paid by the Secretary of the Senate, out of the moneys appropriated for the contingent expenses of the Senate, to James Mathers, Doorkeeper, three dollars per day, and to Cornelius Maxwell, Assistant Doorkeeper, two dollars per day, as compensation for their respective attendance during this special session of the Senate, over and above their stated allowance.

On motion, the Senate adjourned without day.

Attest:

SAM. A. OTIS, Secretary.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE THIRD CONGRESS, BEGUN AND HELD AT THE CITY OF PHILADELPHIA, NOVEMBER 3, 1791.

MONDAY, November 3, 1791.

The following members appeared and took their seats, to wit:

From New Hampshire.—NICHOLAS GILMAN, JEREMIAH SMITH, and PAINE WINGATE.

From Massachusetts.—FISHER AMES, DAVID COBB, HENRY DEARBORN, DWIGHT FOSTER, BENJAMIN GOODHUE, SAMUEL HOLTEN, GEORGE THATCHER, PELEG WADSWORTH, and ARTEMAS WARD.

From Connecticut.—JOSHUA COIT, AMASA LEARNED, ZEPHANIAH SWIFT, URIAH TRACY, and JONATHAN TRUMBULL.

From Vermont.—ISRAEL SMITH.

From New York.—THEODORUS BAILEY, PHILIP VAN CORNLANDT, and JOHN WATTS.

From New Jersey.—JOHN BEATTY, and ELIAS BOUDINOT.

From Pennsylvania.—THOMAS HARTLEY, JOHN WILKES KITTEK, FREDERICK A. MUHLENBERG, (Speaker,) and PETER MUHLENBERG.

From Maryland.—GABRIEL CHRISTIE and GEORGE DENT.

From Virginia.—ISAAC COLES, SAMUEL GRIFFIN, JOHN HEATH, JOSEPH NEVILLE, ANTHONY NEW, JOSIAH PARKER, and ROBERT RUTHERFORD.

From Kentucky.—CHRISTOPHER GREENUP.

From North Carolina.—THOMAS BLOUNT, WILLIAM JOHNSTON DAWSON, NATHANIEL MACON, and ALEXANDER MEBANE.

From South Carolina.—WILLIAM SMITH.

From Georgia.—ABRAHAM BALDWIN.

A quorum of the whole number not being present, the House adjourned until to-morrow.

TUESDAY, November 4.

Several other members, to wit: from Rhode Island, FRANCIS MALBONE; from New York, HENRY GLENN, JAMES GORDON, and JOHN E. VAN ALLEN; from New Jersey, JONATHAN DAYTON; from Pennsylvania, THOMAS FITZSIMONS; from Delaware, HENRY LATIMER; from Maryland, WILLIAM VANS MURRAY; from Virginia, GEORGE HANCOCK, RICHARD BLAND LEE, JAMES MADISON, ANDREW MOORE, FRANCIS PRESTON, and FRANCIS WALKER; and from North Carolina, MAT-

THEW LOCKE—appeared, and took their seats in the House.

And a quorum, consisting of a majority of the whole number, being present,

Ordered, That a message be sent to the Senate, to inform them that a quorum of this House is assembled, and ready to proceed to business; and that the Clerk of this House do go with said message.

WEDNESDAY, November 5.

Several other members, to wit: from New Hampshire, JOHN S. SHERBURNE; from Massachusetts, WILLIAM LYMAN; from Connecticut, JAMES HILLHOUSE; from Vermont, NATHANIEL NILES; from New York, EZEKIEL GILBERT; from Maryland, WILLIAM HINDMAN; from Virginia, THOMAS CLAIBORNE; and from Georgia, THOMAS B. CARNES—appeared, and took their seats in the House.

Notice was received that the Senate had not yet been able to form a quorum.

Upon this, Mr. DAYTON moved that a committee shall be appointed to examine the business left unfinished last session, and report to the House. He saw no reason for losing time by waiting for the Senate.

Mr. GOODHUE objected to the motion as improper.

Mr. DAYTON challenged the gentleman to point out wherein the impropriety consisted. For two or three weeks the House of Representatives would have full employment, while the Senate, in reality, had none. He was positive as to the legality and expediency of proceeding.

The SPEAKER put the question, and the ayes and noes were equal, each being twenty-five.

The SPEAKER then informed the House that, as a quorum of their number was not present, it would be requisite to adjourn.

The House rose immediately, after adjourning till to-morrow.

THURSDAY, November 6.

Two other members, to wit: From Massachusetts, PELEG COFFIN, and from Virginia, JOHN NICHOLAS, appeared, and took their seats in the House.

H. of R.]

Order of Business.

[NOVEMBER, 1794.]

FRIDAY, November 7.

Several other members, to wit: From Pennsylvania, JAMES ARMSTRONG and WILLIAM MONTGOMERY; from Virginia, WILLIAM B. GILES; from North Carolina, JOSEPH WINSTON; and from South Carolina, JOHN HUNTER—appeared, and took their seats in the House.

On motion,

Resolved, That a Standing Committee of Elections be appointed, whose duty it shall be to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House, and to take into their consideration all such matters as shall or may come in question, and be referred to them by the House, touching returns and elections, and to report their proceedings, with their opinion thereupon, to the House.

And a committee was appointed of Mr. DAYTON, Mr. HILLHOUSE, Mr. SHELBURNE, Mr. DENT, Mr. LEE, Mr. MACON, and Mr. HUNTER.

Ordered, That the Letter from the Governor of Maryland, together with the return of the election of Gabriel Duval, to serve as one of the members of this House for the said State, in the room of JOHN FRANCIS MERCER, who has resigned his seat, which was laid before the House at the last session, be referred to the said Committee of Elections.

MONDAY, November 10.

Several other members, to wit: from New York, THOMAS TREDWELL; from New Jersey, LAMBERT CADWALADER; from Pennsylvania, JOHN SMILIE; from North Carolina, WILLIAM BARRY GROVE and JOSEPH McDOWELL; and from South Carolina, RICHARD WINN—appeared, and took their seats in the House.

The SPEAKER informed the House that the Senate had not yet been able to make a quorum. Fifteen members only appeared. One more was necessary.

ORDER OF BUSINESS.

A motion was then made for the House to go into a Committee of the Whole to consider the Rules for choosing committees upon election business.

Mr. BEATTY, of New Jersey, asked why the House of Representatives should wait any longer for the Senate to make a quorum? It had been said that we cannot go on till the Senate are also ready, because we are forbidden by the Constitution. The Constitution says no such thing. This House has already waited a week for the Senate; and it is impossible to conjecture how long it may be obliged to wait, by this method of proceeding.

Mr. BOUDINOT wanted to learn whether it was proper to have appointed a new Election Committee. He greatly doubted it.

The SPEAKER said that the new committee was formed upon this principle, that the business before the last committee should begin *de novo*. Perhaps this point had not been sufficiently adverted to, when the resolution passed last week for appointing a new one.

Mr. BOUDINOT thought that there would arise a considerable inconvenience from all the business beginning over again. Persons who had objected to the return of a member of that House, for example, would have to present a new petition to the new committee, and so on.

Mr. NICHOLAS did not think that this inference, drawn by Mr. BOUDINOT, followed from the appointment of a new committee.

Mr. DAYTON differed entirely from Mr. BOUDINOT. Petitions were not addressed to A, B, C, D, E, as members of the Committee of Elections, but to such a committee in general. Therefore, the new one would take up the business as their predecessors had left it.

Mr. BOUDINOT replied to explain.

Mr. LYMAN considered it as a most absurd idea, that there should be any such thing as a Standing Election Committee for the whole Congress. Was public business to stand still for the arrival of members, dispersed, perhaps, all over the Continent? When a session ended, what further concern had they with keeping of papers? It was their duty to give them back to the Clerk, with a report of what progress they had made, and the House, when it met again, could proceed, whether these members were present or not.

Mr. CARNES was for proceeding to discuss the question.

The SPEAKER, at the desire of Mr. LEE, gave his opinion as to the point of form. He said that it had been the practice of the House to name a Standing Committee of Elections, to last for the whole period of the duration of Congress. But he recommended, as the most regular method, to determine, in the first place, whether it was proper to proceed without the Senate. When once the House had decided on its own competency for doing business, it would then be soon enough to determine what business should be done.

Mr. GOODHUE moved to adjourn. For all the time that would now be additionally lost, it was not worth while to decide the question.

It was observed that there was no instance in the Continent where one House proceeded to business without the other.

Mr. DAYTON, in reply, observed, that Mr. GOODHUE had made a daily, or near about a daily, motion for adjournment, ever since the House began to meet. He had at this time understood that the principle of the adjournment had been given up, and he must confess that he did not expect to hear any arguments for adjournment on the score of expediency.

The House divided on the motion of Mr. GOODHUE—for adjourning, ayes 33, noes 36.

Mr. DAYTON then moved for the appointment of a committee to examine and report the unfinished business of last session; which was adopted, and a committee was appointed of Mr. BOUDINOT, Mr. TRACY, and Mr. KITTERA.

A petition of Moses Myers, of the borough of Norfolk, in the State of Virginia, was presented to the House and read, praying to be exonerated from the payment of the duties accruing on certain goods which he imported, and which, after

NOVEMBER, 1794.]

Maryland Representative.

[H. OF R.]

entry thereof made, were sunk and damaged by the oversetting of the craft employed to bring them on shore.

Ordered, That the said petition be referred to Mr. PARKER, Mr. WATTS, and Mr. COFFIN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That the report of the Secretary of War on the petition of Peter Covenhoven, which was made to this House on the twenty-first of February, one thousand seven hundred and ninety-three, be referred to a Committee of the Whole House to-morrow.

TUESDAY, November 11.

Two other members, to wit: from Massachusetts, SHEARJASHUB BOURNE, and from New York, PETER VAN GAASBECK, appeared, and took their seats in the House.

The SPEAKER informed the House that one Senator was yet wanting to the making of a quorum. [The Senate consists of thirty members, of whom only fifteen have yet (Tuesday) made their appearance; of consequence, a majority is wanting. The VICE PRESIDENT has, it is true, arrived, but he is not, strictly speaking, a Senator. He does not give a vote in questions that come before the Senate, unless the voices on a division are equal.]

The SPEAKER laid before the House a Letter from James White, enclosing the credentials of his appointment as a Representative of the Territory of the United States South of the river Ohio, in the Congress of the United States, according to the ordinance of Congress of the thirteenth of July, one thousand seven hundred and eighty-seven; which were read, and ordered to be referred to Mr. BALDWIN, Mr. GILBERT, Mr. WALKER, Mr. SWIFT, and Mr. JEREMIAH SMITH, with instructions to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BOUDINOT, from the committee appointed to examine the Journal of the last session, and report therefrom all such matters of business as were then depending and undetermined; and also to examine and report such laws of the United States as have expired, or will expire before the next session, made a report, in part; which was read, and ordered to lie on the table.

MARYLAND REPRESENTATIVE.

Mr. MURRAY informed the House that Mr. Gabriel Duvall, a member from Maryland, was now attending to take his seat. This gentleman has been elected in the room of Mr. MERCER.

Mr. NICHOLAS observed that he saw no reason for delaying the admission of the gentleman. He understood the Committee of Elections had the case of Mr. MERCER's resignation under their consideration, and would report immediately; and he understood that the report would be in favor of the gentleman. He did not see the use for so much more ceremony in this case than in that of

the former members. They had all been admitted first, and their credentials examined afterwards.

Some remarks fell from Mr. LEE respecting precedent. Mr. MERCER had formerly taken a seat in much the same way, in the room of Mr. PINKNEY.

The proceedings on this case were read by the Clerk.

Mr. MACON said, that, if gentlemen would only have patience for ten minutes, they would have the report of the committee ready.

Mr. DAYTON immediately after presented this report. A question occurred whether or not it should be read.

Mr. MADISON was for the report being read. It would only delay the admission of the gentleman for a few minutes. It was, therefore, better to receive it, and then take him in. There was a question, if Mr. MERCER was now to appear before the House, could he take his seat? Mr. M. would not undertake to answer the question. It was a delicate one. He would have the report read. If it was favorable, act as concurring with it; if not so, lay it aside, and admit the member from Maryland to qualify, without taking any notice of it.

Mr. PARKER could see no reason why the member might not take his place directly. The House had yesterday full evidence laid before them, under the sanction of the Legislature of Maryland, that Mr. MERCER had vacated his seat. In his room here comes a gentleman with proper credentials. Why hesitate in accepting him? Mr. P. was sorry that any discussion had taken place on the subject.

Mr. MURRAY and Mr. BOUDINOT spoke each a few words.

Mr. MADISON was still for reading the report of the committee. His object was to accelerate the reception of the gentleman, which would inevitably and properly take place. If the House were to admit him to qualify, without first reading the report, it might hereafter be asked, Why was a report made at all, when the House refuse to read it? It might, on a future occasion, be said, "Perhaps that report has been unfavorable, and the House have contradicted the report of their own committee."

Mr. MURRAY waived his objection to the reading of the report. It was read accordingly, as follows:

"That it appears, from a certificate signed by the Governor of the State of Maryland, in Council, and under the seal of the said State, that Gabriel Duvall was duly elected to serve in the House of Representatives of the United States in the place of John Francis Mercer, who had resigned his seat; that the resignation of the said John Francis Mercer appears from his letter, dated the thirteenth of April, one thousand seven hundred and ninety-four, directed to the Governor of Maryland.

"*Resolved*. That, in the opinion of the committee, Gabriel Duvall is entitled to take a seat in the House, as one of the Representatives for the State of Maryland, in the stead of John Francis Mercer."

H. of R.]

Standing Rules and Orders—Newspapers for Members.

[NOVEMBER, 1794.]

The said resolution was again read, and, on the question put thereupon, agreed to by the House.

Mr. DUVALL then appeared, and the oath to support the Constitution of the United States being administered to him by the SPEAKER, according to law, he took his seat in the House as one of the Representatives for the State of Maryland, in the room of John Francis Mercer.

STANDING RULES AND ORDERS.

Mr. TRACY then reminded the House of his proposal for immediately going into a Committee of the Whole on the Rules and Regulations.

Mr. MADISON objected to going into the business abruptly. For his own part, he had lost, or mislaid, his copy of the Regulations. He would certainly not object on his own account. If there was nobody else in the same situation, he should not mention that as any reason to stop their going on. But he was afraid some other gentlemen were in the same situation.

Mr. GOODRUE declared that he was in a similar predicament.

Mr. TRACY.—If we are like schoolboys, and have lost our books, I can have no objection to the procuring of new ones.

It was then agreed to print the Rules and Regulations over again, for the use of the members; and that the House go into a Committee of the Whole on this matter to-morrow.

WEDNESDAY, November 12.

Another member, to wit: CARTER B. HARRISON, from Virginia, appeared, and took his seat in the House.

A memorial of Andrew Taylor, of Ulster county, in the State of New York, was presented to the House and read, praying the liquidation and settlement of a claim for his services as a Deputy Quartermaster in the Army of the United States, during the late war.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A petition of Samuel Emery, of the city of Philadelphia, merchant, was presented to the House and read, praying that a new register may be granted in the case of the brig Lucy, an American bottom, which was sold in the year 1792 to a person not a citizen of the United States, it being omitted in the bill of sale of the said brig to insert a copy of the register, in consequence of which omission, the Collector of the port of Philadelphia conceives himself unauthorized to grant a new register.

Ordered, That the said petition do lie on the table.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report such Standing Rules and Orders of Proceeding as are proper to be observed in this House; and, after some time spent therein, the SPEAKER resumed the Chair, and Mr. TRUMBULL reported that the Committee

had had the said report under consideration, and made several amendments thereto.

Ordered, That the said report, with the amendments, do lie on the table.

THURSDAY, November 13.

Two other members, to wit: ANDREW GREGG and DANIEL HEISTER, from Pennsylvania, appeared and took their seats in the House.

The SPEAKER informed the House that there was not yet any appearance of a quorum in the Senate. No new member of that House had arrived, and one of those here had fallen sick.

NEWSPAPERS FOR MEMBERS.

A motion was made that each member be supplied with three daily newspapers. It was mentioned that some applications had been made by a few particular members for leave to have newspapers from the Southern or Eastern States as part of this number. This was objected to as putting the Executive to a needless additional expense. It was, therefore, subjoined, as an amendment to the motion, that they should be newspapers "of this city."

Mr. NICHOLAS thought that economy was highly proper, on this, as well as other points. He therefore moved to strike out the word "three" from the motion, and substitute "two." He considered one morning and one evening paper as sufficient for the information of the members.

Mr. TRACY said that it was altogether but a small affair. Some gentlemen had, as he understood, already bespoken three papers, under the expectation that the same number would be granted during this session as during the last.

Mr. NICHOLAS then observed, that he would not press his amendment on the House.

It was accordingly withdrawn. Whereupon, *Ordered*, That the Clerk of this House cause the members to be furnished, during the present session, with three newspapers, printed in this city, such as the members respectively shall choose, to be delivered at their lodgings.

A petition of George Campbell, of the State of Maryland, was presented to the House and read, praying compensation for his services as a Captain of Artificers, in the Army of the United States, during the late war.

Ordered, That the said petition do lie on the table.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of receipts and expenditures for the War Department, from the first day of April to the thirtieth day of June, one thousand seven hundred and ninety-four, inclusive; which were read, and ordered to lie on the table.

STANDING RULES AND ORDERS.

The House proceeded to consider the amendments, reported yesterday from the Committee of the Whole House, to whom was referred the report of the committee appointed to prepare and report such Standing Rules and Orders of Proceedings as are proper to be observed in this House;

NOVEMBER, 1794.]

Standing Rules and Orders.

[H. OF R.]

and the said amendments being twice read, were, on the question severally put thereupon, agreed to by the House.

The said report, as amended, being then again read, and further amended,

Resolved, That the same be established as the Standing Rules and Orders of this House, to wit:

STANDING RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES.

First.—Touching the Duty of the Speaker.

He shall take the Chair every day at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

He shall preserve decorum and order; may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members.

He shall rise to put a question, but may state it sitting.

Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say *Ay*;" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say *No*." If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the numbers in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise, and state the decision to the House.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House; in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected, by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than are required to compose or complete the committee, shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and, in case of such equal division, the question shall be lost.

All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, or subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, (or Chairman of the Committee of the Whole House,) shall have power to order the same to be cleared.

Secondly.—Of Decorum and Debate.

When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless per-

mitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

No member shall speak more than twice to the same question, without leave of the House; nor more than once, until every member choosing to speak shall have spoken.

Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across the House; nor either in such case, or when a member is speaking, shall entertain private discourse; nor, whilst a member is speaking, shall pass between him and the Chair.

No member shall vote on any question in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

Upon a division and count of the House on any question, no member without the bar shall be counted.

Every member who shall be in the House when a question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

Every motion shall be reduced to writing, if the Speaker or any member desire it.

After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

When a question is under debate, no motion shall be received, unless to amend it, to commit it, for the previous question, to postpone it to a day certain, or to adjourn.

A motion to adjourn shall be always in order, and shall be decided without debate.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by five members; and, until it is decided, shall preclude all amendment and further debate of the main question.

On a previous question, no member shall speak more than once without leave.

Any member may call for the division of a question, where the sense will admit of it.

A motion for commitment, until it is decided, shall preclude all amendment of the main question.

Motions and reports may be committed at the pleasure of the House.

No new motion or proposition shall be admitted under color of amendment, as a substitute for the motion or proposition under debate.

When the reading of a paper is called for, which had before been read to the House, and the same is objected to by any member, it shall be determined by a vote of the House.

The unfinished business in which the House was engaged at the time of the last adjournment, shall have the preference in the Orders of the Day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.

In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such majority on the first ballot, the ballot shall be repeated until a majority be obtained.

In all cases when others than members of the House may be eligible, there shall be a previous nomination.

If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who has spoken twice on the day preceding, shall be permitted again to speak without leave.

Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

Any fifteen members, (including the Speaker, if there is one,) shall be authorized to compel the attendance of absent members.

Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

No member shall absent himself from the service of the House, unless he have leave, or be sick, and unable to attend.

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which, the names of the absentees shall be again called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of the House, be taken into custody, as they appear, or may be sent for, and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with, or without, paying fees: and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty shall be to attend the House during its sitting; to execute the commands of the House, from time to time, either by himself, or a special messenger, to be by him appointed for that purpose together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

The fees of the Sergeant at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for traveling expenses of himself, or a special messenger, going and returning, one tenth of a dollar per mile.

Two standing committees shall be appointed at the commencement of each session, to consist of seven members each, to wit:

A Committee of Elections, and

A Committee of Claims.

It shall be the duty of the said Committee of Elections to examine and report upon the certificates of

election, or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching election, and returns, as shall or may be presented, or come in question, and be referred to them by the House.

It shall be the duty of the said Committee of Claims to take into consideration all such petitions and matters or things touching claims or demands on the United States, as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

No committee shall sit, during the sitting of the House, without special leave.

The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office until another be appointed.

It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journal thereof to the Executive, and to each branch of the Legislature, of every State.

Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members and its officers, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

Thirdly.—Of Bills.

Every bill shall be introduced by motion for leave, or by an order of the House, on the report of a committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice, at least, shall be given of the motion to bring in a bill; and every such motion may be committed.

Every bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day without special order of the House.

The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or if the question to reject be negative, the bill shall go to its second reading without a question.

Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select committee, or to a Committee of the Whole; if to a Committee of the Whole House, the House shall determine on what day. But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time. After commitment and report thereof to the House, a bill may be recommitteed, or at any time before its passage.

All bills ordered to be engrossed shall be executed in a fair round hand.

NOVEMBER, 1794.]

Peter Covenhoven.

[H. OF R.]

When a bill shall pass, it shall be certified by the Clerk, noting the day of its passing at the foot thereof.

Fourthly.—Of Committees of the Whole House.

It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.

In forming a Committee of the Whole House the Speaker shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

All amendments made to an original motion in Committee, shall be incorporated with the motion, and so reported.

All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in the case of bills.

All questions, whether in Committee or in the House, shall be propounded in the order they were moved, except that in filling up blanks the largest sum and longest time shall be first put.

No motion or proposition for a tax or charge upon the People shall be discussed the day in which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the Whole House.

No sum or quantum of tax or duty voted by a Committee of the Whole House, shall be increased in the House, until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.

All proceedings touching appropriations of money, shall be first moved and discussed in a Committee of the Whole House.

The rules of proceeding in the House shall be observed in Committee, so far as they may be applicable, except that limiting the times of speaking.

No standing rule or order of the House shall be rescinded without one day's notice being given of the motion therefor.

Joint Rules and Orders of the two Houses.

In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their Chairmen, meet in the Conference Chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

When bills are enrolled, they shall be examined by a Joint Committee of one from the Senate, and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrolment with the engrossed bills as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, and then by the President of the Senate.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the President of the United States for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate, and shall be entered on the Journal of each House. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the Journal of each House.

All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in case of bills.

When the Senate and House of Representatives shall judge it proper to make a joint Address to the President, it shall be presented to him in his Audience Chamber by the President of the Senate, in the presence of the Speaker and both Houses.

PETER COVENHOVEN.

The House then went into a Committee of the Whole on the Report of the Secretary of War on the petition of Peter Covenhoven. This unfortunate man had been a sergeant in the Militia of the United States during the late war. A short time after his being called out, he was wounded with a musket-ball in the knee, and was unable for a considerable time to walk even upon crutches. At last, his wound became tolerably cured, and he was dismissed with a pension. But, some years ago, his wound broke out afresh, and after a series of excruciating tortures, the affair ended with an amputation of his thigh. The bills of his physicians, and the extra expense of sick nurses, came, in whole, to two hundred and nine pounds.

After reading the report, Mr. Boudinot proposed two resolutions—one for granting the sum of — dollars to defray the expenses of amputation, and the other for augmenting his pension.

Mr. Swift opposed the resolution, as there was no law that authorized the granting of the money

H. OF R.]

Delegate South of the Ohio.

[NOVEMBER, 1794.]

and as the House had no title to perform acts of charity at the expense of their constituents. He imagined that this burden should fall on the particular State wherein he resided.

Mr. BORDEN contended that there was a law for this measure. He said that it had always been customary for Congress to pay the expense of curing its wounded soldiers. Even when the soldiers had no hospital to which they could go, and advanced the money out of their own pockets, it had always been repaid by Government, upon application for that purpose. Now, the case of Peter Covenhoven came exactly within this description. He had been dismissed as cured, and with a lesser pension than he would have been entitled to, had the amputation taken place while he was in the military hospital. He had been considered as a person who could still support some part of his own expenses by personal labor. But the matter turns out quite otherwise. The wound is not cured; for it breaks out in a very distressing manner, and ends in the loss of a limb. It was clear that, in point of justice, the man had two claims—the first for the expense attending his cure; and the second for an augmentation of his pension, since he was now completely disabled. He had been for some years incapable of standing, even upon crutches. It was plain that the House were liable to pay the expenses of his wound; and as to the salary, it was only by an accident that he was entered on the list of pensioners before the wound broke out afresh, and that otherwise he had been put on the highest rate.

Mr. SWIFT replied. He was not convinced by any thing that had been advanced. As to the doctors' bills, he was not sure about their accuracy.

Mr. BEATTY said he could answer to the House for that. He had advised the amputation.

The first resolution, viz: for paying the bills, was agreed to by a majority of 37 against 20, and a committee was appointed to bring in a bill.

The second resolution, for augmenting the salary of Mr. Covenhoven, was postponed.

FRIDAY, November 14.

Several other members, to wit: from Massachusetts, SAMUEL DEXTER; from Virginia, ABRAHAM VENABLE; and from Kentucky, ALEXANDER D. ORR, appeared, and took their seats in the House.

Mr. BALDWIN, from the committee to whom was referred the Letter from JAMES WHITE, enclosing the credentials of his appointment as a Representative of the Territory of the United States South of the river Ohio, made a report, which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

Ordered, That a Committee of Claims be appointed, pursuant to the Standing Rules and Orders of the House:

And a committee was appointed of Mr. TRACY, Mr. FOSTER, Mr. MALBONE, Mr. MONTGOMERY, Mr. HEATH, Mr. CHRISTIE, and Mr. MEBANE.

MONDAY, November 17.

Two other members, to wit: from Rhode Island, BENJAMIN BOURNE; and from South Carolina, ANDREW PICKENS, appeared, and took their seats in the House.

A petition of Pierre Egron was presented to the House and read, praying the patronage of Congress, and an exemption from postage, in aid of a literary work which he is now prosecuting.

Ordered, That the said petition do lie on the table.

A petition of Joab Stafford, of the county of Herkimer, in the State of New York, was presented to the House and read, praying to be allowed an arrearage of pension due to him as a Captain in the Army of the United States, during the late war, or such other compensation in lieu thereof, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition, together with the petition of George Campbell, which lay on the table, be referred to the Committee of Claims.

DELEGATE SOUTH OF THE OHIO.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Letter from JAMES WHITE, together with the credentials of his appointment as a Representative of the Territory of the United States South of the river Ohio;

Mr. VANS MURRAY moved that the Committee should rise, and that the discussion of this business should be deferred until the Senate had made a quorum.

Mr. NICHOLAS thought that the question had been misunderstood. He saw no difficulty in admitting Mr. WHITE to possession of a seat. He regarded it only as putting an actual law into execution. Neither the Senate nor the House of Representatives had it in their power to contravene this law.

Mr. SWIFT objected to complying with the report of the committee. He thought that it could not be carried into execution, because it involved inconsistencies. If the object of the law referred to, was to admit this person to debate, and not to vote, that was unconstitutional. He was, by that law, to be a member of Congress; but the House of Representatives are not Congress, and, therefore, this person may equally vote in the House of Representatives and in the Senate; while, at the same time, he may interrupt the PRESIDENT consenting to a bill, by giving his advice. The Constitution has made no provision for such a member as this person is intended to be. If we can admit a Delegate to Congress or a member of the House of Representatives, we may with equal propriety admit a stranger from any quarter of the world. We may as well admit the gallery, or a foreign Minister, as this person from the Territory Southwest of the Ohio. At this rate we may very soon overturn the Constitution. If this person has any proper title to a seat, it must be in the Senate; it could not be in the House of Representatives, who were not Delegates. The Senate,

NOVEMBER, 1794.]

Delegate South of the Ohio.

[H. OF R.]

perhaps, might be called such. His election was nearer the mode of theirs, than that of this House.

Mr. SMITH, of South Carolina, had no difficulty in declaring that the gentleman was fully qualified to take a seat in that House, by the terms of an express compact with the people. He was convinced that the Representatives have a right to admit those whom they regard as lawfully entitled to a seat in the House, for the purpose of debating. They may admit the Secretary of State, if they consider it as expedient. If this gentleman had applied to the Senate, that body also were authorized to admit him, if they thought it lawful. Under the old Constitution, he would have been a member *avi generis*. He does not claim a right of voting, but of speaking only; and when the affairs of the Southwestern Territory were agitated in the Senate, he had a right, in his (Mr. S.'s) judgment, to speak and debate in that House also. Mr. S. wished that there had been previously settled another part of this business, viz: by whom the Delegate was to be paid for his attendance. It may be a future question, also, whether he is to be dismissed when the galleries are cleared?

Mr. GILES was not prepared to speak on the subject. On the score of expediency, his present opinion was, that the Delegate from the Southwest of the Ohio should be admitted. He had no objection to the motion of the member from Maryland, [Mr. MURRAY,] for the Committee rising, but he would never consent to it for the sake of consulting the Senate. He would agree to it, for the sake of further deliberation among themselves. If the House chose to consult the *gallery*—a resource for information that he should never wish to see adopted—they had a right to consult it, or to ask advice from any other quarter, notwithstanding the assertion of the gentleman from Connecticut.

Mr. DEXTER said, he thought the obstacle should be got over by a formal act of the Legislature. He was clear that the House had a right to consult, or admit to the privilege of debating, any individual whom they thought proper. They might, for instance, admit an advocate to plead, in a particular case; but that was entirely a different matter from allowing him to give a vote on the question before the House. Mr. D. declared that he would vote against the report, as it now stands, not because he thought the gentleman from the Southwestern Territory unentitled to a seat, but because he regarded an act of the whole Legislature as a requisite for his introduction.

It was now moved that the Committee should rise, and report the resolution of the select committee.

Mr. W. SMITH differed from Mr. DEXTER. He thought the House of Representatives was, in itself, perfectly competent to settle the point. He was determined that they ought not to consult the Senate upon the matter. It would be extremely improper to let the Senate interfere. He again adverted to his former position, that the House may, if it sees proper, introduce the Secretary of State to a privilege of being consulted, or any other

person who may be thought suitable. But he would never submit to yield the privileges of the House to the Executive. They ought to decide their elections on their own authority, and on no occasion send to inquire of the Senate if such an amendment ought to be admitted. Mr. S. considered the gentleman [Mr. WHITE] as expressly within the present Constitution. He trusted that the Committee would not rise, under any such idea as consulting the Senate; but, if they at present rise, that it would be merely for the sake of obtaining further information.

Mr. MURRAY.—If we could have foreseen this case, I am sure that we should have had a joint committee of privileges from both Houses, as judges. The situation of the gentleman refers to both, and therefore the Senate ought to be consulted on this head. Perhaps he is entitled to a seat in both Houses.

Mr. McDOWELL objected, that an act of the Legislature would never, practically, answer the purpose. The session would be next to ending, before such a law would be passed. In the mean time, the interest of the people Southwest of the Ohio is agitated in a question, and their Delegate is condemned to silence. The members generally admit, in substance, that he ought to be received into this House. He wished, therefore, that they would take a vote on the resolution of the select committee. He would object altogether to the proposal of the member from Maryland, for an act of the Legislature, or any consultation with the Senate. Mr. McD. was for admitting the member to his seat.

Mr. BOURNOR observed, that it was universally agreed that the old law for accepting such a member as a Delegate of Congress, cannot be executed in its full sense. The gentleman ought, in his opinion, to go where members elected by Legislatures went, that is to say, to the Senate. There was no pretence for his admission among the Representatives of the people. If he had any right, it must be in the other House. He thought this a very important question, and that it deserved more consideration than it had yet received. Mr. B. was not prepared to vote; but, if he was forced to give his voice at present, he should be for remitting the gentleman to the Senate. He thought that there should be an act of the whole Legislature. He should vote for the Committee rising.

Mr. DAYTON said, that he should vote against the motion of the Maryland member, for the rising of the Committee. He was against the object of this motion. He agreed entirely with the report of the select committee for receiving the Southwestern member immediately, as he had a right to a seat, founded on an original compact, which gave it to him. He objected to any concurrence of the Senate being asked. As to consulting persons out of doors, the House had a right to call Heads of Departments to give their opinions on any particular subject, if they thought proper. Mr. D. mentioned some cases of this nature, where such an expedient had been used.

Mr. GILES mentioned one reason against the

H. OF R.]

Delegate South of the Ohio.

[NOVEMBER, 1794.]

Committee rising, which was, that the House had no other business before it. He then read an amendment to the resolution of the select committee, as a middle course, that would embrace the ideas of all parties.

Mr. DEXTER repeated some of his former reasons for preferring an act of the Legislature.

The question was called for, and put by the Chairman, Shall the Committee now rise, and report progress? It was decided in the negative—yeas 38, nays 39.

The question was then put on the resolution, as given by the Committee. Mr. GILES again proposed his amendment. This was, that after the word "debating," in the resolution, there should be added, "upon any question touching the rights and interests of people in the Territory of the United States Southwest of the Ohio." The object was to narrow the power of the Delegate.

Mr. SMILIE was for his being admitted to deliberate on every subject, or none at all.

Mr. GILES declared that he was very well pleased with the resolution, as it originally stood. He had only suggested this amendment, that he might get the resolution through the House. He therefore withdrew his motion.

Mr. BALDWIN did not see that the question was of much importance. When a member was permitted to speak, but forbidden to vote, his situation, was, no doubt, infinitely higher than that of strangers in the gallery, that of an advocate allowed to plead at the bar of the House, or that of a printer who came only to take notes; but still it was extremely short of the situation of a member of Congress. This would be more especially the case, if his right of debating was restricted to the affairs of the Northwest and Southwest Territory. Mr. B. could see nothing in the new Constitution that made an exclusion of the Delegate from the Southwest of the Ohio. This privilege had been solemnly promised to those people, upon three different occasions. When they belonged to the State of South Carolina, they sent a Representative [Mr. SEVIER,] to Congress; and they separated into a new State, under the promise of this privilege. But now, we have made a discovery, that these laws cannot be put into execution. It is a great pity that we had not made this discovery sooner. Mr. B. rejected all idea of referring this matter to the Senate. When the latter had any question of that kind, that concerned themselves, they would, no doubt, judge for themselves, and that just as properly as the House of Representatives. As to the pay of this gentleman, that might be an after question. He was clear that there at present existed no law which could make out that. The House may hereafter, if they see fit, pass a law respecting it. But, in the mean time, Mr. B. was satisfied that these people had a claim for a Delegate, which could not be got rid of by the House.

Mr. SWIFT thought that it would be better to erect these people into a new State, and then the privilege would be of some real use to them. He was still of opinion that the Constitution admits

of no such Delegate as this person is intended to be. He is a new kind of character, unknown to it. This person is *sui generis*. If the Constitution knows anything about him, then take him; if not, reject him. As to taking advice from the gallery, Mr. S. seemed to think he had been misunderstood. To admit a person within the bar for the purpose of consulting him, was a quite different thing from permitting the gallery, like this person, to come and take a permanent seat among the members, for the purpose of regularly debating. Mr. S. never meant to debar the House from taking information wherever they could find it.

Mr. MURRAY was concerned that he found himself obliged to vote against the resolution of the Committee. He still hoped that the gentleman would have a seat, but that the Senate would first be consulted.

Mr. WINGATE moved an amendment to take the resolution, by adopting these words, "to a seat in Congress as Delegate to Congress."

Mr. MADISON said, that the resolution, as passed by the select committee, was so properly expressed, that he did not believe it could admit of any amendment or alteration whatever.

The Committee of the Whole House then divided on the resolution, when there appeared a very large majority in favor of reporting it as it first stood, and consequently for admitting Mr. WHITE as a Delegate. The Committee then rose.

TUESDAY, November 18.

Another member, to wit: THEODORE SEDGWICK, from Massachusetts, appeared, and took his seat in the House.

A memorial of James Crawford, of the city of Philadelphia, merchant, was presented to the House and read, praying that a new register may be granted in the case of the brig Betsey, an American bottom, taken by the British at St. Pierre's, in the Island of Martinique, in the month of February last; the said brig being condemned, and her original register detained by the captors.

Ordered, That the said memorial, together with the petition of Samuel Emery, which lay on the table, be referred to Mr. FITZSIMONS, Mr. GOODHUE, and Mr. CADWALADER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

DELEGATE SOUTH OF THE OHIO.

The House proceeded to consider the report of the committee on the Letter from JAMES WHITE, enclosing the credentials of his appointment as a Representative of the Territory of the United States South of the river Ohio, to which the Committee of the Whole House reported no amendment. Whereupon, the said report being again read at the Clerk's table, was, on the question put thereupon, agreed to by the House, as follows:

"That, by the Ordinance for the government of the Territory of the United States Northwest of the river Ohio, section nine, it is provided, 'that, so soon as there shall be five thousand free male inhabitants of full age

NOVEMBER, 1794.]

Delegate South of the Ohio.

[H. OF R.]

in the District, upon giving proof thereof to the Governor, they shall receive authority to elect Representatives to represent them in a General Assembly; and by the 12th section of the Ordinance, 'as soon as a Legislature shall be formed in the District, the Council and House, assembled in one room, shall have authority, by joint ballot, to elect a Delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.' Full effect is given to this Ordinance by act of Congress, August 7, 1789.

"That, by the Deed of Cession of the Territory South of the river Ohio, to the United States, in the fourth article, it is also provided 'that the inhabitants of the said Territory shall enjoy all the privileges, benefits, and advantages, set forth in the Ordinance of the late Congress for the government of the Western Territory; that is to say, Congress shall assume the government of the said Territory, which they shall execute in a manner similar to that which they support in the Territory West of the Ohio, and shall never bar or deprive them of any privilege which the People in the Territory West of the Ohio enjoy.'

"The cession, on these conditions, was accepted by act of Congress, on the 2d of April, 1790.

"By an act passed the 26th of May, 1790, for the government of the Territory of the United States South of the river Ohio, it is enacted, 'that the inhabitants shall enjoy all the privileges, benefits, and advantages, set forth in the Ordinance of the late Congress for the government of the Territory of the United States North west of the river Ohio. And the government of the said Territory South of the river Ohio, shall be similar to that which is now exercised in the Territory Northwest of the river Ohio; except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled 'An act to accept a cession of the claim of the State of North Carolina to a certain district of Western Territory.' The committee are of opinion that James White has been duly elected as Delegate from the Territory of the United States South of the Ohio, on the terms of the foregoing acts; they therefore submit the following resolution:

"Resolved, That James White be admitted to a seat in this House as a Delegate from the Territory of the United States South of the river Ohio, with a right of debating, but not of voting."

Mr. MADISON said, that in new cases, there often arose a difficulty by applying old names to new things. The proper definition of Mr. WHITE is to be found in the Laws and Rules of the Constitution. He is not a member of Congress, therefore, and so cannot be directed to take an oath, unless he chooses to do it voluntarily.

Mr. MURRAY moved that Mr. WHITE should be required to take the oath.

Mr. W. SMITH observed, that the Constitution only required members and the Clerk to take the oath. The gentleman was not a member. It does not even appear for what number of years he is elected. In fact, he is no more than an Envoy to Congress. Instead of being called Delegate to Congress, had he been plainly called an Envoy, the difficulty would have vanished. He is not a Representative from, but an officer deputed by the people of the Western Territory. It is very improper to call on this gentleman to take such an oath, any more than any civil officer in the State of Pennsylvania. Mr. S. did not consider him as

coming even within the Post Office law, (viz: for franking letters.) He is not entitled to pay, unless a law shall be passed for that end.

Mr. GILES agreed with the gentleman who spoke last, as to the impropriety of demanding an oath.

Mr. LYMAN was for it.

Mr. DAYTON was against the oath. Call him what you will, a member, a Delegate, or, if you please, a *nondescript*. It would be wrong to accept his oath, even if he should offer it. He is not a member. He cannot vote, which is the essential part. It is said that he can argue, and by that means influence the votes of the House. But so also a printer may be said to argue and influence, when he comes to this House, take notes, and prints them in the newspapers.

Mr. BOUDINOT. As the House had set out on a wrong principle, it was natural that, in their subsequent progress, they should wander further and further from the point. But, as the House had now given their decision, he acquiesced in it. It was, however, a strange kind of thing to have a gentleman here arguing, who was not bound by an oath. He could never reconcile it.

Several other members spoke.

The House divided on the question, "Shall the Delegate take an oath as a member?" Ayes 32, nays 42—majority against the motion, 10.

A message from the Senate informed the House that a quorum of the Senate is assembled, and ready to proceed to business.

Ordered, That the petition of Pierre Egron, which lay on the table, be referred to Mr. WILLIAM SMITH, Mr. MURRAY, and Mr. MADISON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House that the Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to wait on the PRESIDENT OF THE UNITED STATES, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may think proper to make to them.

Ordered, That Mr. BOUDINOT, Mr. DEARBORN, and Mr. GILMAN, be appointed a committee on the part of this House for the purpose expressed in the message from the Senate.

Resolved, That two Chaplains, of different denominations, be appointed to Congress for the present session, one by each House, to interchange weekly.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

Mr. BOUDINOT, from the Joint Committee appointed to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications he may think proper to make to them, reported that the Committee had performed that service, and that the PRESIDENT signified to them that he would make a communication to both Houses of Congress, to-morrow at twelve o'clock, in the Representatives' Chamber.

H. OF R.]

Militia Service.

[NOVEMBER, 1794.]

Ordered, That a committee be appointed to bring in a bill extending the privilege of franking to JAMES WHITE, the Delegate from the South-western Territory, and making provision for his compensation; and that Mr. WILLIAM SMITH, Mr. THATCHER, and Mr. MACON, be the said committee.

WEDNESDAY, November 19.

Another member, to wit: THOMAS SCOTT, from Pennsylvania, appeared and took his seat in the House.

A memorial of Jose Roiz Silva, of the city of New York, merchant, was presented to the House and read, praying that the sum of two thousand five hundred and twenty-one dollars and sixty cents may be refunded to him, it being the difference in the amount of duties on a quantity of wines imported by the memorialist, and which, through mistake, was exacted from him by the Collector of the port of New York, beyond the legal duties.

Ordered, That the said memorial be referred to Mr. WATTS, Mr. COFFIN, and Mr. MALBONE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Report of the Commissioners for purchasing the Public Debt, stating the amount of their purchases and other proceedings since their report of the sixteenth of December, one thousand seven hundred and ninety-three; which was read, and ordered to lie on the table.

Ordered, That a message be sent to the Senate to inform them that this House is now ready to attend them in receiving the communication from the PRESIDENT OF THE UNITED STATES, agreeably to his notification to both Houses yesterday; and that the Clerk of this House do go with the said message.

The Senate attended and took seats in the House; when, both Houses being assembled, the PRESIDENT OF THE UNITED STATES came into the Representatives' Chamber, and delivered his Address to them. (For which, see Proceedings of the Senate, *ante* page 787.)

The PRESIDENT OF THE UNITED STATES then withdrew, and the two Houses separated.

Ordered, That the Speech of the PRESIDENT OF THE UNITED STATES to both Houses be committed to a Committee of the Whole House to-morrow.

THURSDAY, November 20.

Another member, to wit: WILLIAM FINDLEY, from Pennsylvania, appeared and took his seat in the House.

The House then resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had had the said Speech under consideration, and

come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That it is the opinion of this Committee that a respectful Address ought to be presented by the House of Representatives to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress, at the commencement of this session, containing assurances that this House will take into consideration the various and important matters recommended to their attention.

Ordered, That Mr. MADISON, Mr. SEDGWICK, and Mr. SCOTT, be appointed a committee to prepare an Address, pursuant to the said resolution.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House for the appointment of two Chaplains to Congress for the present session, and have elected the Right Reverend Bishop WHITE on their part.

The House then proceeded by ballot to the appointment of a Chaplain to Congress, on the part of this House; and upon examining the ballots, a majority of the votes of the whole House was found in favor of the Reverend ASHBEL GREEN.

A Message was received from the PRESIDENT OF THE UNITED STATES, with sundry documents referred to in the PRESIDENT'S Speech to both Houses, from No. 1 to No. 8, inclusive, relative to the insurrection in the counties of Washington and Alleghany, in the State of Pennsylvania; also, sundry communications from General Wayne; from the Governor of Georgia; from the Superintendent of Indian Affairs in the Creek nation; and respecting the establishment of a post by the State of Pennsylvania at Presqu'isle; together with a Letter from the Director of the Mint.

The said documents and communications were partly read, and ordered to lie on the table.

FRIDAY, November 21.

Ordered, That a committee be appointed to prepare and bring in a bill for the relief of John R. Livingston; and that Mr. CORR, Mr. GORDON, and Mr. NEVILLE, be the said committee.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill extending the privilege of franking to JAMES WHITE, the Delegate from the Southwestern Territory, and making provision for his compensation; which was read twice, and committed.

Mr. MADISON, from the committee appointed, presented an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

MILITIA SERVICE.

Mr. SMITH, of South Carolina, moved a resolution to the following purport:

"Resolved, as the opinion of this Committee, That provision ought to be made by law for continuing in the service a portion of the militia of the United States, to be stationed in the Western counties of Pennsylvania

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

for such period as shall be found necessary to secure the execution of the laws."

Mr. GILES said he should certainly not oppose the motion; but he hoped that when the Committee contemplated should report a bill, they would be able to give every information relative to the situation of the Western counties. He was sensible that despatch was necessary, as the provision was required to be completely enacted within thirty days; but he wished for information to determine what force would be required, and for how long a time they would probably be wanted.

Mr. DAYTON agreed that information would be wanted to determine the number of troops that would be required; but if there existed an opinion that no provision of the kind is necessary, the business should be opposed in its present stage. For his part he was fully convinced that something was necessary. As to information, he wished it to come officially to the House rather than through any committee.

Mr. SEDGWICK hoped the motion would be agreed to. He had information sufficient at the present time to convince him that it was necessary a force should be stationed; it would be a subject of future inquiry what force would be necessary.

Mr. NICHOLAS said that from information he had of persons from the Western counties, he believed that some force should be stationed there. There were a number of persons still lurking about who had not returned to their homes since the breaking out of the disturbances.

Mr. FITZSIMONS wished the motion agreed to. The House are in possession, he conceived, of sufficient information to pass the resolution. When the bill comes before them, the force required, and the time of service, would become objects of consideration. Some members have information on this subject which they no doubt will communicate. The business presses.

Mr. MURRAY made mention of a letter received from a General officer, dated the 13th of November, which states that 1,000 of the insurgents have gone down the Ohio unarmed, and that 300 armed had crossed the Ohio, and declared it as their intention to return as soon as the Army should retire.

The resolution was agreed to unanimously, reported and adopted by the House, and Messrs. MURRAY, HILLHOUSE, and GILES, appointed a committee to bring in a bill.

PRESIDENT'S SPEECH.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Committee rose and reported the following resolutions, which were read as follows, viz :

1. *Resolved*, That it is the opinion of this Committee that provision ought to be made by law for raising a force, to be composed of the Militia of the United States, to be stationed within the Western counties of Pennsylvania, for such period as may be requisite to secure the execution of the laws.

2. *Resolved*, That it is the opinion of this Committee that farther provision ought to be made by law for the redemption of the Public Debt.

3. *Resolved*. That it is the opinion of this Committee that a plan ought to be prepared for the better organizing, arming, and disciplining the Militia of the United States; and further to provide for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

4. *Resolved*, That it is the opinion of this Committee that inquiry ought to be made whether the fortifications, which have already been licensed by law, are commensurate with the public exigence.

5. *Resolved*, That it is the opinion of this Committee that so much of the President's Speech as relates to improving of harmony with the Indian nations within our limits, by fixing and conducting of trading houses, should be referred to a special committee to report thereon.

The first, second, third, and fifth resolutions, were severally read the second time, and, on the question put thereupon, agreed to by the House.

The fourth resolution was read a second time, amended at the Clerk's table, and agreed to by the House, as follows:

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to direct the proper officers to lay before this House a statement of the progress made in the fortifications licensed by law.

Ordered, That a bill or bills be brought in pursuant to the first resolution, and that Mr. MURRAY, Mr. HILLHOUSE, and Mr. GILES, do prepare and bring in the same.

Ordered, That a committee be appointed to prepare and report a plan pursuant to the second resolution, and that Mr. WILLIAM SMITH, Mr. AMES, Mr. FITZSIMONS, Mr. DUVALL, and Mr. NICHOLAS, be the said committee.

Ordered, That Mr. GILES, Mr. SEDGWICK, Mr. HEISTER, Mr. LOCKE, and Mr. VAN CORTLANDT, be appointed a committee, pursuant to the first part of the third resolution.

Ordered, That Mr. DAYTON, Mr. HARTLEY, Mr. BENJAMIN BOURNE, Mr. HARRISON, and Mr. McDOWELL, be appointed a committee, pursuant to the second part of the third resolution.

Ordered, That Mr. BAILEY and Mr. ARMSTRONG be appointed a committee to wait on the PRESIDENT OF THE UNITED STATES with the fourth resolution.

Ordered, That Mr. PARKER, Mr. BLOUNT, Mr. BOUDINOT, Mr. FINDLEY, and Mr. GREENUP, be appointed a committee, pursuant to the fifth resolution.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

Gentlemen of the Senate, and

of the House of Representatives :

I lay before Congress copies of a Letter from the Governor of the State of New York, and of the exemption of an Act of the Legislature thereof, ratifying the amendment of the Constitution of the United States, proposed by the Senate and House of Representatives, at their last session, respecting the Judicial power.

G. WASHINGTON.

UNITED STATES, November 21, 1794.

H. of R.]

President's Speech.

[NOVEMBER, 1794.]

The said Message and papers were read, and ordered to lie on the table.

The House resumed the reading of the papers, communicated yesterday, by Message, from the PRESIDENT OF THE UNITED STATES; and made a farther progress therein.

MONDAY, November 24.

THE PRESIDENT'S SPEECH.

The House then went into a Committee, Mr. COBB in the Chair, on the draft of the Address in answer to the President's Speech. The Address was read by the Clerk.

Mr. DAYTON rose to express his surprise that, in the Address, no notice whatever had been taken of that part of the Speech which related to the army under General Wayne, and of the readiness of the House to concur in the requisite measures for a proper organization of the militia. The success of the troops under General Wayne might contribute very materially to putting an end to the Indian war, and thus add to the power of discharging a part of the Public Debt. He then proposed the following motion:

"We are deeply impressed with the importance of an effectual organization of the militia. We rejoice at the intelligence of the advance and success of the Army under the command of General Wayne; whether we regard it as a proof of the perseverance, prowess, and superiority of our troops, or as a happy presage to our military operations against the hostile Indians, and a probable prelude to the establishment of a lasting peace upon terms of candor, equity, and good neighborhood—our pleasure derived from this source is the greater, as it increases the probability of sooner restoring a part of the public resources to the desirable object of reducing the Public Debt."

Mr. MADISON had no objection to this amendment. He read a second amendment containing an answer to the following part of the President's Speech:

"My policy in our foreign transactions has been to cultivate peace with all the world, to observe treaties with pure and absolute faith, to check every deviation from the line of impartiality, to explain what may have been misapprehended, and correct what may have been injurious to any nation; and having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves."

Mr. MADISON moved that his additional amendment should be inserted immediately after that of Mr. DAYTON, to this effect:

"Solicitous also, as we are, for the preservation of peace with all nations, we cannot otherwise than warmly approve of a policy in our foreign transactions, which never loses sight of that blessing."

Mr. DAYTON was willing that the clause should be annexed to his original motion.

Mr. HILLHOUSE wished the word *your* substituted for the article *a* (marked in *italic* in the clause last quoted,) that the policy of the Executive might be more clearly pointed to.

Mr. SMITH, of New Hampshire, said he had drafted an amendment to the Address, that con-

tained the idea the gentleman last up wished to be expressed, and another. He read it in his place. It was to the following purport:

"Your policy in our foreign transactions, as it shows an ardent disposition for peace, has our hearty approbation, and we assure you we shall omit nothing on our part towards acquiring the ability, as well as right, of exacting from all nations the fulfilment of their duties towards us."

Mr. DAYTON, in the meantime, observed that there was no necessary connexion between *his* amendment and that of Mr. MADISON. He therefore hoped that his, with respect to General Wayne and the army on the Northwestern frontier, would pass in the meantime. This was agreed to.

Mr. SEDGWICK said that the House had been often obliged to the pen of the gentleman from Virginia, (Mr. MADISON.) Perhaps that gentleman himself would be disposed to think the amendment of the member from Connecticut, [Mr. HILLHOUSE,] better than his own.

Mr. NICHOLAS preferred the amendment of Mr. MADISON to any other that had been proposed. He imagined that the one offered by Mr. W. SMITH pledged the House to approve of the *particular* measures adopted by the PRESIDENT as to foreign Powers. In this Mr. N. reformed specially to the mission of Mr. Jay to the Court of London. We are not acquainted with the individual powers or instructions granted to that Envoy. Our approbation has no *datum* on which it can proceed, and how are the Committee to pretend approbation for what they do not know? The PRESIDENT would laugh at such conduct. The amendment of Mr. MADISON is more guarded. It goes to approve general principles, but not individual measures.

Mr. HILLHOUSE thought that he had been misunderstood. His amendment did not go beyond general approbation of principles. He never intended indiscriminate applause.

Mr. W. SMITH said, that the House had got themselves into a labyrinth of amendments upon amendments. It was very difficult to word an Address in such a way as to be entirely free from exception. The matter had sunk into a mere verbal dispute. He therefore moved that the Committee of the Whole now rise, and the draft be referred back to the special committee.

Mr. DAYTON knew not why the Envoy [Mr. Jay] had been sent to Europe. He did not know what were his instructions, and he never would approve, or say that he approved, of what he did not know. He was, therefore, against the amendment offered by the gentleman from Connecticut. That of the gentleman from Virginia went quite far enough. Rather than vote for such a thing, he would reject the whole.

Mr. GILES objected to the motion for the rising of the Committee. The PRESIDENT has not, in his Speech, said that the House are informed as to the motives of his measures, or the extent of the instructions to his Envoy. Why, then, shall the House think themselves obliged to approve them? There has already intervened a delay of several days since the Speech was delivered. If an au-

NOVEMBER, 1794.]

President's Speech.

[H. or R.]

swer is to be given at all, it ought to be given immediately. To rise and refer the draft of the Address back again to the committee will not mend the matter.

The motion for rising was negatived.

Mr. NICHOLAS then rose in defence of Mr. MADISON's amendment. He thought the House should not bow so much to the Executive as to approve of his proceedings without knowing what they are. Gentlemen say that they do not mean an implicit approbation. Why, then, hazard words that infer it? He would go as far in thanking the PRESIDENT as any person, with propriety, could go.

Mr. SEDGWICK insisted that the amendment of the member from Connecticut, [Mr. HILLHOUSE,] was preferable to the other. The PRESIDENT has said that his policy in regard to foreign nations is founded on justice. We approve of that. He recites his motives. They are also approved. Where, then, is the danger of expressing a general approbation? Would it be proper to give an approbation that cannot be appropriate, and that has no definite meaning? Mr. S. was far from designing to approve, explicitly or implicitly, what the House were not acquainted with. He only intended to convey a general sentiment of approbation; and he saw nothing more than this in the amendment of the gentleman from Connecticut.

Mr. HILLHOUSE never designed indiscriminate approbation; nor had he any secret meaning couched under the words of his amendment. When he had any thing to say to the House, he came honestly and told them in plain words what he would be at. He meant to express his applause of pacific and equitable measures. As to the question so often referred to, [the embassy of Mr. Jay,] he solemnly declared that it never was in his mind to express any thing about it. It would come before another body.

Mr. MADISON imagined that, in his motion as now worded, every person might see substantial approbation.

Mr. AMES.—Jealousy may become habitual as well as confidence. Nothing but a habit of jealousy could have found any thing of a secret in this verbal distinction of *your* policy instead of *a* policy. The distinction was trifling, but, if there must be one, he preferred the amendment of Mr. HILLHOUSE. His reasons for this preference were so minute that they, perhaps, had little more value than what his imagination chose to give them. In the mean time, nobody will suppose that we do not approve of the policy of the PRESIDENT in preferring pacific measures, because the system of peace is now preferred all over the Continent of America.

Mr. DAYTON rose to make a reply to "remarks so illiberal."

Mr. AMES here rose again and said that the gentleman certainly could not mean him.

I mean that gentleman, Mr. SPEAKER, said Mr. DAYTON, pointing to Mr. AMES. He has accused me of "habits of jealousy." To this charge Mr. D. rejoined with some warmth. He again declared that he never would pledge himself to approve of the mission of Mr. Jay till he should learn

what were that gentleman's instructions. He meant to draw this line of distinction, to give approbation of general principles, but not of particular measures. The former he considered as implied in the amendment of Mr. MADISON, the latter in that of Mr. HILLHOUSE.

Mr. VANS MURRAY considered the dispute as resting on the words *a* policy and *your* policy. He would not give explicit approbation to particular measures, but he approved the general principles on which the PRESIDENT preferred a pacific system.

Mr. GILES.—It is admitted on all sides of the House, that we approve the general principles, but will not pledge ourselves to approve the particular means. It is best, then, to adopt the least equivocal words. Mr. G. allowed that there was but little difference, yet he should vote for the amendment of Mr. MADISON as it stood.

Mr. DEXTER, in opposition to the sentiments of the gentleman who had last sat down, would vote for "*your* policy," instead of "*a* policy." The latter made the sentence an abstract proposition. The words "*your* policy," made it a personal application. The omission of the word *your* tended to an implication of censure. If an abstract proposition was the whole meaning intended to be expressed, that meaning might as well be put into any other place as into an Address to the PRESIDENT. He did not see the use of it. Praise, (said Mr. D.,) is the only reward which a person receives in a Republican Government; or at least it is the greatest reward; and if withheld where due, the effect must be pernicious. Here it would be of more particular impropriety to withhold praise, when all our constituents approve the pacific policy of the PRESIDENT. It would have been a matter of little consequence at first, whether "*a* policy" or "*your* policy" had been adopted, for every reader would have understood it is an approbation of the PRESIDENT. But now, after such a debate, if we scruple at the word *your*, all the world will conclude that we mean an implied censure.

Mr. BOURNOR said that he adopted the word *your* as unequivocal. He had no meaning but what was open and candid. By adopting the amendment the House would make that language explicit, which was at present, at least, in some degree, ambiguous.

Mr. TRACY pronounced an elegant panegyric on the character and conduct of the PRESIDENT OF THE UNITED STATES, whom no man admired more sincerely than he did, though he could not speak thus from the honor of enjoying a personal acquaintance. He recommended to Mr. MADISON rather to withdraw his motion of amendment altogether than bring it forward at such an expense of the good temper of the House. The present session had commenced with good auspices, and much cordiality, and he would be extremely sorry to disturb its tranquility.

Mr. MADISON said that he felt sensibly the force of the remarks made by the gentleman who was last up. In consequence of these remarks, he should be happy to withdraw his amendment. This was accordingly done.

It was then proposed that the Committee of the Whole House should rise, and report the draft of the Address as originally given in by the special committee, with the additional amendment that had been proposed by Mr. DAYTON, and adopted.

Mr. FITZSIMONS then rose and said, that it would seem somewhat incongruous for the House to present an Address to the PRESIDENT which omitted all notice of so very important an article in his Speech as that referring to the self-created societies. Mr. F. then read an amendment, which gave rise to a very interesting debate. The amendment was in these words :

"As part of this subject, we cannot withhold our reprobation of the self created societies, which have risen up in some parts of the Union, misrepresenting the conduct of the Government, and disturbing the operation of the laws, and which, by deceiving and inflaming the ignorant and the weak, may naturally be supposed to have stimulated and urged the insurrection."

These are "institutions, not strictly unlawful, yet not less fatal to good order and true liberty ; and reprehensible in the degree that our system of government approaches to perfect political freedom."

Mr. GILES stated at large his sentiments as to this expression in the Speech of the PRESIDENT about self-created societies. The tone of that passage in the Speech had made a great deal of noise without doors, and it was likely to produce a considerable agitation within doors. [Here a motion was made for the rising of the Committee.] Mr. G. did not wish to press himself upon the attention of the Committee, but if they were disposed to hear him, he was prepared to proceed.

Mr. SEDGWICK objected to the rising of the Committee. The House had been often entertained and informed by the ingenuity of that gentleman, who was now prepared to address them.

Mr. W. SMITH considered it as opposite to the practice of the House for a member to move that a Committee should rise, at the very time when gentlemen had declared themselves ready to deliver their sentiments.

[It was repeatedly inquired from the Chair, by whom this motion was made. No answer was given ; and it seemed to be the unanimous wish of the House that Mr. GILES should proceed, which he did.] Mr. G. began by declaring that, when he saw, or thought he saw, the House of Representatives about to erect itself into an office of censorship, he could not sit silent. He did not rise with the hope of making proselytes, but he trusted that the fiat of no person in America should ever be taken for truth, implicitly, and without evidence.

Mr. GILES next entered into an encomium of some length on the public services and personal character of the PRESIDENT. He vindicated himself from any want of respect or esteem towards him. He then entered into an examination of the propriety of the expression employed by the PRESIDENT, with regard to self-created societies. Mr. G. said, that there was not an individual in America, who might not come under the charge of being

a member of some one or other self-created society. Associations of this kind, religious, political, and philosophical, were to be found in every quarter of the Continent. The Baptists and Methodists, for example, might be termed self-created societies. The people called the Friends, were of the same kind. Every pulpit in the United States might be included in this vote of censure, since, from every one of them, upon occasion, instructions had been delivered, not only for the eternal welfare, but likewise for the temporal happiness of the people. There had been other societies in Pennsylvania for several purposes. The venerable Franklin had been at the head of one, entitled a society for political information. They had criminated the conduct of the Governor of this State and of the Governors of other States, yet they were not prosecuted or disturbed. There was, if he mistook not, once a society in this State, for the purpose of opposing or subverting the existing Constitution. They also were unmoled. If the House are to censure the Democratic societies, they might do the same by the Cincinnati Society. It is out of the way of the Legislature to attempt checking or restraining public opinion. If the self-created societies act contrary to law, they are unprotected, and let the law pursue them. That a man is a member of one of these societies will not protect him from an accusation for treason, if the charge is well founded. If the charge is not well founded, if the societies, in their proceedings, keep within the verge of the law, Mr. G. would be glad to learn what was to be the sequel? If the House undertake to censure particular classes of men, who can tell where they will stop? Perhaps it may be advisable to commence moral philosophers, and compose a new system of ethics for the citizens of America. In that case, there would be many other subjects for censure, as well as the self-created societies. Laud-jobbing, for example, has been in various instances brought to such a pass, that it might be defined swindling on a broad scale. Paper money, also, would be a subject of very tolerable fertility for the censure of a moralist. Mr. G. proceeded to enumerate other particulars on this head, and again insisted on the sufficiency of the existing laws for the punishment of every existing abuse. He observed, that gentlemen were sent to this House, not for the purpose of passing indiscriminate votes of censure, but to legislate only. By adopting the amendment of Mr. FITZSIMONS, the House would only produce recrimination on the part of the societies, and raise them into much more importance than they possibly could have acquired if they had not been distinguished by a vote of censure from that House. Gentlemen were interfering with a delicate right, and they would be much wiser to let the Democratic societies alone. Did the House imagine that their censure, like the wand of a magician, would lay a spell on these people? It would be quite the contrary, and the recrimination of the societies would develop the propriety of having meddled with them at all. One thing ought never to be forgotten, that if these people acted wrong, the law was open to punish them ; and if they did

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

not, they would care very little for a vote of that House. Why all this particular deviation from the common line of business to pass random votes of censure? The American mind was too enlightened to bear the interposition of this House, to assist either in their contemplations or conclusions on this subject. Members are not sent here to deal out applauses or censures in this way. Mr. G. rejected all aiming at a restraint on the opinions of private persons. As to the societies themselves, Mr. G. personally had nothing to do with them, nor was he acquainted with any of the persons concerned in their original organization.

Mr. LYMAN hoped that the member from Pennsylvania would, upon reflection, withdraw his amendment. Mr. L. considered it to be as improper to pass a vote of censure, as it would be to pass a vote of approbation. He did not wish to give printers an opportunity of publishing debates that had better be suppressed. Besides, where will this business of censorship end? It would be much better not to meddle with the Democratic societies at all. Some of them were perfectly sensible that they had gone too far. He should, therefore, move that this Committee do now rise, and that the Chairman report the Address as it now stands.

Mr. THATCHER hoped that his colleague would not insist on taking that question just now, before other gentlemen had an opportunity of delivering their sentiments.

Mr. LYMAN in reply, said that gentlemen were at liberty, in discussing his motion, to tell their minds as to the self-created societies.

Mr. SEDGWICK requested that Mr. LYMAN would take the motion out of the way. Mr. L. withdrew it.

Mr. W. SMITH then rose and entered at large into the subject. He said, that if the Committee withheld an expression of their sentiments in regard to the societies pointed out by the PRESIDENT, their silence would be an avowed desertion of the Executive. He had no scruple to declare that the conduct of these people had tended to blow up the insurrection. Adverting to Mr. GILES, he thought the assertion of that gentleman too broad, when he spoke of not meddling with the opinions of other than political societies.

He considered the dissemination of improper sentiments as a suitable object for the public reprobation of that House. Suppose an agricultural society were to establish itself, and under that title to disseminate opinions subversive of good order; the difference of a name should not make Mr. S. think them exempted from becoming objects of justice. Would any man say that the sole object of self-created societies has been the publication of political doctrines? The whole of their proceedings has been a chain of censures on the conduct of Government. If we do not support the PRESIDENT, the silence of the House will be interpreted into an implied disapprobation of that part of his Speech. He will be left in a dilemma. It will be said that he has committed himself.

Mr. S. declared that he was a friend to the free-

dom of the press; but would any one compare a regular town meeting where deliberations were cool and unruffled, to these societies to the nocturnal meetings of individuals, after they have dined, where they shut their doors, pass votes in secret, and admit no members into their societies, but those of their own choosing? Mr. S., by way of illustration, observed, that this House had never done much business after dinner. In objection to this amendment it had been stated, that the self-created societies would acquire importance from a vote of censure passed on them. They were, for his part, welcome to the whole importance that such a vote could give them. He complained in strong terms, of the calumnies and slanders which they had propagated against Government. Every gentleman who thought that these clubs had done mischief, was by this amendment called upon to avow his opinion. This was the whole. Mr. S. begged the House to take notice, and he repeated his words once or twice, that he did not mean to go into the constitution of these societies, or to say that they were illegal. The question before the House was not whether these societies were illegal or not, but whether they have been mischievous in their consequences.

Mr. McDOWELL was of opinion that the term self-created societies, was too indefinite. He professed the highest respect for the character of the PRESIDENT; but he did not think that the proposed vote of censure would be any eligible proof of it. The House of Representatives were assembled not to volunteer in passing votes of reprobation on societies or individuals, but to legislate. He wished that gentlemen, instead of losing their time on such frivolous and inflammatory amendments, would proceed to the proper business of the House. The gentleman from South Carolina seemed to be well acquainted with Democratic societies. It was very true that they had published resolutions reprobating the Assumption business, and the system of Funding; but the rest of the people, as well as Democratic societies, had very generally censured the Assumption and the Funding transactions. He thought that some laws had been passed which answered no good purpose, nor indeed any purpose, but that of irritating the public. The present amendment, he considered as destructive not only to the intercourse of domestic society, but that it involved a prospect of throwing restraint upon the conduct of gentlemen in the House of Representatives. With the gentleman from Virginia, [Mr. GILES] he was satisfied that the amendment, if adopted, would have no weight whatever with the citizens of the United States; as they were too enlightened to accept of opinions from their Representatives.

Mr. TRACY had imagined that no man would have the hardihood to come forward in that House and vindicate these societies. He quoted from the remarks of Mr. McDOWELL, the words, "your wanton laws, begotten in darkness, first raised insurrection," and likewise some other words about the enormous expense of millions for the Western expedition. Mr. T., after reading these expressions from a memorandum, which he held in his hand,

H. OF R.]

President's Speech.

[NOVEMBER, 1794.]

declared his surprise, that a gentleman, whom he knew to possess the candor and good sense of the member from North Carolina, could suffer such language to escape him. He was certain that the gentleman, if he had not been somewhat in a hurry, never would have permitted these words to pass from his lips.

Quitting this topic, Mr. T. said, that he would for his own part, be disposed to let these societies alone, and leave them to the chastisement of their own consciences. If they were to say, "Gentlemen, you, as tyrants, make laws, and slaves obey them," I would answer, said Mr. T., "It is very rash. Think again, before you say this again. We believe that, from inadvertency, some things have escaped from Democratic societies, which they had not well weighed, and which had a bad effect on weak and ignorant people in the Western counties of Pennsylvania. You have seen the bad effects of your temerity. Take care before you publish any such thing again." Mr. T. said, this is all the length which we mean to go, and can anybody object to this? The Democratic societies form but a very small portion of the people of America. Where is the harm in saying that one hundredth, or I believe I might say, not more than one thousandth part of the citizens of the United States have been mistaken, and that they have been imprudent in printing certain indiscreet resolutions? Mr. T. declared that if the President had not spoke of the matter, he should have been willing to let it alone, because whenever a subject of that kind was touched, there were certain gentlemen in that House who shook their backs, like a sore-backed horse, and cried out *The Liberties of the People!* Mr. T. wished only that the House, if their opinions of these societies corresponded with that of the President, should declare that they had such an opinion. This was quite different from attempting to legislate on the subject. Has not the Legislature done so before? Is there any impropriety in paying this mark of respect to a man to whom all America owes such indelible obligations. He thought that this declaration from the House of Representatives would tend to discourage Democratic Societies, by uniting all men of sense against them. Mr. T. said, that perhaps the member who spoke last, might be concerned with some of these societies, of which he entertained so favorable an impression.

Mr. McDOWELL said, that he wanted the House to avoid quarrels, and to mind their proper business of legislation. He declared that he was not a member of any such society. He did not know that he had ever been in the company of any person who was a member of any of them. He was even, he declared upon his honor, ignorant whether there were, or ever had been, any such societies in North Carolina. He adverted to the simile of the sore-backed horse, and said, that he believed his back to have been rubbed harder in the last war, than that of the gentleman. He imagined that these societies had done both good and harm, and again declared, that he could not consent to a vote of indiscriminate reprobation.

Mr. DAYTON was heartily for the amendment. He observed that he wanted no evidence to satisfy him as to the gentleman not being a member of any of these societies. If he had been connected with them, he would have known their principles better than he seems to do. Mr. D. said that many persons in New Jersey, who had been the most violent against the excise law were equally so against the insurgents; and though their opinion of the law itself was unaltered, which they made no scruple of openly declaring, yet they did not, on that account, hesitate about marching against the insurgents. They did not suppose that one obnoxious statute was any reason for overturning the Federal Constitution. The murmurs against the excise law in New Jersey had been converted into universal silence, because no man would venture to express his discontent at the hazard of being suspected of being a friend to the insurgents. That the Democratic societies had produced the most mischievous effects in the Western counties there could be no question. Letters had been received from officers in the Army, who were the most respectable characters, and who, from authentic information had affirmed the fact. It had been stated that these people would recriminate upon the House, and it had even been hinted that their recriminations might affect the President. *That man*, said Mr. D., is above their censure. He believed that if their censures had any effect at all, it would be to do the President honor.

Mr. NICHOLAS.—When we see an attempt made in this House to reprobate whole societies, on account of the conduct of individuals, it may truly be suspected that some of the members of this House have sore backs. The President has been apprized of the absurdity of making this a Legislative business. Here Mr. N. read a passage from the President's Speech, to show, that the notice taken of self-created societies was not intended for a topic of discussion in that House. The passage was expressly addressed to every description of citizens:

"And when in the calm moments of reflection, they shall have retraced the origin and progress of the insurrection, let them determine, whether it has been fomented by combinations of men, who, careless of consequences," &c.

Was this an address to the two Houses? Did this passage show that the President wanted them to intermeddle? Were they called upon to give an opinion? Where could be the pretence for anything of this sort? The House have made acts. The Democratic societies reprobate them, and then the House reprobate the Democratic societies. When you first cut a man's throat, and thereafter call him a rascal, do you suppose that your accusation will affect the man's reputation? The House, by passing this vote of censure, would make themselves a party, and lose a title to unsuspected confidence. Mr. N. declared, that for his own part, he never had any concern with these societies, nor ever to his knowledge had spent an hour with any person who was a member of them. He rather, if anything, despised them. He had always thought

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

them the very worst advocates for the cause which they espoused; but he had come two hundred miles to legislate, and not to reprobate private societies. He was not paid by his constituents for doing business of that sort. The **PRESIDENT** knew the business of the House better than to call for any such votes of censure. It was wrong to condemn societies for particular acts. That there never should be a Democratical society in America, said Mr. N., I would give my most hearty consent; but I cannot agree to persecution for the sake of opinions. With respect either to the propriety or the power of suppressing them, Mr. N. was in both cases equally of opinion that it was much better to let them alone. They must stand or fall by the general sentiments of the people of America. Is it possible that these societies can exist, for any length of time, when they are of no real use to the country? No. But this amendment will make the people at large imagine that they are of consequence.

Mr. DAYTON said, that these societies had produced the Western insurrection, and, therefore, the Committee were just as well entitled to institute an inquiry in this case, as formerly, regarding the failure of the expedition of General St. Clair.

The Committee now rose, and reported progress, and had leave to sit again.

— — —
TUESDAY, November 25.

Another member, to wit: JAMES GILLESPIE, from North Carolina, appeared, and took his seat in the House.

Mr. MURRAY, from the committee appointed, presented a bill to authorize the **PRESIDENT** to call out and station a corps of militia in the four Western counties of Pennsylvania, for a limited time; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill extending the privilege of franking to JAMES WHITE, the Delegate from the Southwestern Territory, and making provision for his compensation; and, after some time spent therein, the Committee rose, and reported an amendment, which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

Resolved, That the **PRESIDENT OF THE UNITED STATES** be requested to direct the proper officer to state to this House the difficulties and inconveniences which have occurred in the execution of the act entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States."

Ordered, That Mr. Moore and Mr. Gordon be appointed a committee to wait on the **PRESIDENT** with the foregoing resolution.

The following Message was received from the **PRESIDENT OF THE UNITED STATES**:

*Gentlemen of the Senate, and
of the House of Representatives.*

I lay before you a statement of the troops in the service of the United States, which has been submitted to

me by the Secretary of War. It will rest with Congress to consider and determine whether further inducements shall be held out for entering into the military service of the United States, in order to complete the establishment authorized by law.

G. WASHINGTON.

UNITED STATES, November 25, 1794.

The said Message and statement were read, and ordered to lie on the table.

THE PRESIDENT'S SPEECH.

The House went again into Committee of the Whole on the Address to the **PRESIDENT** and the amendment of Mr. FITZSIMONS—Mr. COBB in the Chair.

Mr. MURRAY said, that he did not altogether like the wording of the amendment now before the House. He had hoped that some modification of it would have been prepared by some of its friends; but as none was offered, and there was a call for the question, he would vote for it rather than against it. He said, that he had not been personally attacked by any of the tribunals in question, and no further injured by their machinations than as he was a citizen of a free Republic, in whose prosperity he felt the closest possible union, and in whose calamities he of course felt great sympathy. Among the various sources of the late calamity, the **PRESIDENT** had traced and designated certain self-created societies, who had arrogated the management of public opinions and affairs, and whom he had declared to have been, in his opinion, instrumental in fomenting the late insurrection. Mr. M. confessed that he had feared, last winter, lest the disorganizing spirit which had gone abroad in the shape of resolutions from these societies, would have produced the effect ascribed to them by the **PRESIDENT**. The conduct of the Democratic clubs, or those of them with which he had most acquaintance, appeared to him to have been instrumental to an event which threatened destruction to legitimate Government. If we believe this to be the case, Mr. M. knew no motive, duty, or policy, which ought to restrain us at this period from saying that we believe it, and from lamenting it. Our declaration will rather hold out a caution to the thoughtless, than inflict legal penalties upon their follies. It will present to our fellow-citizens a memorable example of one source of error and political misfortune, by showing them the danger, which has already cost above twelve hundred thousand dollars. He could not see any evil that was to result from an expression of the opinion of the House, by the proposed amendment. It had not the quality of law; for, if a law were proposed for the abolition of these societies, he would oppose it. This amendment to the Address would operate as an advice. It curtails not the right of a free press, which Mr. M. held to be the luminary of the public mind. It would tend to excite a judicious and salutary inquiry among many respecting the just and true limits within which a virtuous and enlightened well-wisher to our country would think it safe to exercise this right. Of the inutilty and danger of such societies in this country, he had

little doubt. The scene of their birth-place was well adapted to the wholesome display of their powers. In France, where a Despotism, impregnable to public opinion, had reigned—where no channel opened a sympathy by Representation with the great body of the nation—those societies were admirably adapted to break down and subvert the old bulwark of habitual authority. But in America the case was widely different. Look at the immense body of public functionaries, who in this country are elected immediately by the people, or by their electors, in a Constitutional mode, and say whether they are not adequate as functionaries to the public purposes of the country. Including every description of Legislators, Councils, Governors, Courts, Jurors, and Sheriffs, there are above twelve thousand. Of these, more than eleven hundred are actual Legislators, besides the hundred in this House, and those above stairs. These all act in the States, counties, townships, and hundreds, in separate but relative circles, so as to preclude a partial attention to any one scene, to the exclusion of another. The whole country is full of well constituted organs of the People's will. Many of these Legislatures are in session twice a year, and all of them annually. We might be confused by their immense number, were they not so admirably dispersed over the Continent, and did they not move under the guidance of the laws, with the harmony of the spheres. It would not be easy to organize the nation into a more multifarious shape.

The case maintained by Mr. DAYTON yesterday appeared to be strong. He said that we had inquired into the defeat of St. Clair's Army, and so we might into the causes of the insurrection. To point it out to a people so enlightened, will be to prevent it in future. If the House agree in opinion with the PRESIDENT, they will speak their opinion, and do their duty. This declaration goes to the constituent body, through the Executive; and, while it gratifies their inquiry in a point of so much solicitude, it erects a warning beacon. It shows to them the stormy breakers which lately threatened the public peace with shipwreck, and invites them to adhere to pilots of their own choosing, and to charts with which they are acquainted.

If the PRESIDENT had not thought some of the societies instrumental in producing the late calamity, they would not have attracted his notice, nor that of the House. It is because they are believed to have assisted and fomented the insurrection, that our constituents ought to be warned against them; and that another necessity for exerting their patriotism may be saved to those brave men who are at present encountering every difficulty in the West. These societies are not attended to, because, however offensive some of their proceedings and doctrines may have been, yet the rights of the press ought not to be freely handled.

Mr. FIRSIMONS had no violent predilection for any performance of his own. He had, therefore, to prevent so much disputing, prepared to withdraw his motion, provided the Committee be

willing that he should do so, and, in the room of this motion, he would read another, for which he was indebted to a gentleman at his right hand, [Mr. B. BOURNE.]

The Committee consented. The former motion was withdrawn, and the other was read. This was an echo of that part of the Speech of the PRESIDENT which mentions self-created societies.

Mr. CHRISTIE then rose. He was sorry to differ from his worthy colleague, [Mr. MURRAY,] on the question then before the Committee; and he was doubly sorry to hear that gentleman labor so strenuously to saddle a public odium on some of the best citizens of the State which he represented. Mr. C. should not have risen on the present occasion, although he thought it an important one, had it not been to endeavor to rescue from public censure a society of gentlemen, who were described in the present amendment before the Committee, as objects of public opprobrium. Mr. C. alluded to the Republican Society of the town of Baltimore. If the present amendment took place, that society would be involved in general and undeserved censure. He would, therefore, inform the House of what description of men the Republican Society of Baltimore consisted; and then the Committee would be the best judges whether they ought to be rewarded in the manner in which the present amendment proposes. They are a society of gentlemen associated together for the purpose of diffusing political knowledge throughout the State of Maryland, and to instruct their Representatives in Congress, and the Legislature of the State, in any point that they think necessary, and not for the purpose of sowing dissension among the citizens of America, or of cultivating dislike to the Union, or to the laws. This society consists of men whose characters are superior to any censure that might be thrown against them, by the mover of the amendment. But when Congress are about to cast an odium on a particular society, the members of which have every respect for that body, and have always inculcated obedience to the laws of the United States, Mr. C. left it to the Committee to determine whether, if they were themselves in the place of the Baltimore Society, they would not feel their sensibility materially wounded? Was not this returning good for evil? He again reminded the Committee, that the Republican Society at Baltimore was composed of a band of patriots, not the fair-weather patriots of the present day, but the patriots of seventy five, the men who were not afraid to rally around the American standard, when that station was almost concluded to be a forlorn hope. They were men who, with their persons and properties, had assisted to drive from the soil of America the present lawless disturbers of the world. Are these the men, asked Mr. C., who ought to have all this mass of Congressional odium cast upon them? I trust not, sir. I trust, that if particular gentlemen are illiberal enough so censure them, yet that this House will never agree to such iniquitous measures. What was the conduct of this society when the first news of the late insurrection reach-

NOVEMBER, 1794.]

President's Speech.

[H. or R.]

ed them? Did they not, in the most pointed manner, discountenance any such proceeding? Did they not refuse to correspond with any society that aided, or in any manner abetted, the insurrection? They did more. They offered their personal services to go and help to crush this commotion in the bud. Mr. C. subjoined that he would venture to say, and at the same time he spoke within bounds, that nine-tenths of this society actually took up their muskets and marched into the field, for the above laudable purpose, and that numbers of them still continue there, and are the friends of peace and order, and not the disorganizers that the present amendment would make them. Mr. C. appealed to the candor of the Committee to say, whether the Baltimore self-created Republican Society were the description of men whom the PRESIDENT, in his Speech, meant to describe. He was sure it was not. Therefore, why involve in this indiscriminate censure men who have deserved so well of their country? men who, instead of having odium cast upon them, merit every praise which the Federal Government can bestow. For these, and some other reasons, Mr. C. declared that he should vote against the amendment, and he trusted that he should vote in the majority.

Mr. MURRAY rose to explain. He did not mean this Society. It was the Philadelphia and Pittsburgh societies. Mr. M. was acquainted with this society, and had the greatest respect for them. As for the members of the other societies, he was for gibbeting their principles only.

Mr. RUTHERFORD.—This alarm is owing to an overgrown moneyed system, with which the people are not entirely satisfied. But the money-holders need not be afraid. The people will pay the public debt. Then why disturb the tranquillity of the people? The PRESIDENT, in his Speech, points only at combinations over the mountains. As to the character of the PRESIDENT himself, to praise him was like holding up a rush candle to let us see the sun. I have known that man, said Mr. R., for these forty years. I have had the honor of serving under him in the last war, and of frequently executing his wise and noble orders. The member declared that this amendment could answer no purpose but that of disturbing the public peace. He himself represented as respectable a district as any in Virginia, and he had as good opportunities as any gentleman in that House to know the temper of Americans. They were firmly attached to the present Government, and the holders of paper need not be so much afraid of Democratic societies, for the people, to preserve the tranquillity, were determined to discharge the public debt, no matter how it was contracted, and, therefore, it would be much better not to harass the public mind with amendments like that on the table.

Mr. GILES said, that he had an amendment to propose that would, he hoped, meet with the approbation of a certain description of gentlemen in that Committee. His amendment was to strike out the words "self-created societies," from the amendment of Mr. FITZSIMONS, and insert "the

Democratic societies of Philadelphia, New York, and Pittsburg." Gentlemen could then have some specific object at which they could say that their vote of censure was levelled; for the general expression of self-created, comprehended every society of any kind in the Union. For his own part, he was very far from wanting to censure any set of men for their political opinions.

Mr. PARKER seconded the motion for striking out, but he would not consent to the insertion proposed by Mr. GILES.

Mr. SEDGWICK thought that the amendment stands better as it is at present.

Mr. VENABLE said, that there was a paper on that table, (he referred to the letter from Mr. HAMILTON to the PRESIDENT,) which showed that the combinations in the western counties began their existence at the very same time with the Excise law itself. It was, therefore, entirely improper to ascribe them to Democratic societies. Should Government, said Mr. V., come forward and show their imbecility by censuring what we cannot punish? The people have a right to think and a right to speak. I am not afraid to speak my sentiments. I am not afraid of being called a disorganizer. I am, as much as any gentleman in this Committee, a friend to regular government.

Mr. DEXTER believed that such societies were, in themselves, wrong, but he was still not for making laws against them. He had, however, numerous objections to their conduct. One of these was, that they erected themselves into a model for the rest of their fellow citizens to copy. The great principle of Republicanism was, that the minority should submit to the will of the majority. But these people have elevated themselves into tyrants. Such societies are proper in a country where Government is despotic, but it is improper that such societies should exist in a free country like the United States, and hence Mr. D. was a friend to the amendment proposed by Mr. FITZSIMONS. It had been said, that it was unusual to give opinions of this kind, but, in reality the House were in the practice of expressing their sentiments on matters of that sort, in such addresses as the one now before them. Mr. D. was decidedly against the amendment of the amendment proposed by Mr. GILES.

Mr. NICHOLAS.—Gentlemen have brought us into a discussion, and then say we must decide as they please, in deference to the PRESIDENT. This is the real ground and foundation of their arguments. But who started this question? If the gentlemen have brought themselves into a difficulty with regard to the PRESIDENT, by their participation in proposing votes of censure, which they cannot carry through, they have only to blame themselves. Is it expected, said Mr. N., that I am to abandon my independence for the sake of the PRESIDENT? He never intended that we should take any such notice of his reference to these societies; but if the popularity of the PRESIDENT has, in the present case, been committed, let those who have hatched this thing, and who have brought it forward, answer for the consequences. This whole question turns upon a matter of fact, which

H. OF R.]

President's Speech.

[NOVEMBER, 1794.]

ought to be proved, viz: Have the Democratic societies been one of the principal causes of the Western insurrection? This is a matter of fact, or otherwise, and it depends upon direct evidence. But, how do gentlemen handle this question? They digress into abstract propositions, a thing never heard of before, where a matter of fact was to be proved. I say, where direct proof is wanted, we see gentlemen standing on the floor for half an hour together, without attempting to advance a single fact in support of their assertions; yet this is the only admissible kind of evidence that the societies are from their nature unfriendly to the Federal Government.

Mr. N. then adverted to a remark which had been made, that libels were daily prosecuted in this country, from which it was inferred that calumnious attacks on Government were the just objects of reprehension. Mr. N. said, that the comparison was not fair, because in a case of libel, the parties accused have a proper opportunity to defend themselves. Have these people here, (the Democratic societies) any such opportunity? It has been alleged, as a crime against them, that they have never once published any approbation of any measure of Government. Mr. N. argued that this arose from the very nature of their institution, which was to watch the errors of the Legislature and Executive, and point out to the public what they considered to be mistakes. Faults were the only kind of facts which they were in quest of. Here Mr. N. drew a material distinction. If these societies had censured every proceeding of Government, there would have been the greatest reason for taking some measures. But what was the case? As to an immense number of the proceedings of the Executive and Legislature, they had taken no notice whatever.

Mr. SEDGWICK thought that the PRESIDENT would have been defective in his duty, had he omitted to mention what he religiously believed to be true, viz: that the Democratic societies had in a great measure originated the late disturbances. It was the indispensable duty of the PRESIDENT to speak as he had spoken. The present amendment, [of Mr. FITZSIMONS] would have a tendency to plunge these societies into contempt, and to sink them still further into abhorrence and detestation. He pronounced them to be illicit combinations. One gentleman [Mr. NICHOLAS] tells you, that he despises them most heartily. Another [Mr. LYMAN] says that they begin to repent. Will the American people perversely propose to shoulder and bolster up these despised and repenting societies, which are now tumbling into dust and contempt? Their conduct differed as far from a fair and honorable investigation, as Christ and Belial. They were men prowling in the dark. God is my judge, said Mr. S. that I would not wish to check a fair discussion.

One gentleman [Mr. McDOWELL] had told the Committee, that the Assumption and Funding transactions were a cause of public discontent. It has been the trick of these people to make this assertion. They have said that the Funding System is a mass of favoritism, for the purpose of

erecting an oppressive aristocracy, and a paper nobility. There is not a man among them, who is able to write, and who does not know that these assertions are false. As to the assumption of the debts of individual States, it has been said that this measure was undertaken for the purpose of making up a large debt. There was no such thing. Before the adoption of the new Constitution, of which Mr. S. considered the Funding and Assumption Systems to be essential preliminaries, the credit and commerce of America were declining or gone. The States were disagreeing at home, and the American name was disgraced abroad. It was not to be supposed that every one of the measures of the new Government could please every body. Among the rest, excise was objected to in both Houses of Congress; but at last the good sense of the people acquiesced. At this crisis, a foreign agent (*Genet*) landed at Charleston. On his way to this city, he was attended by the hosannahs of all the disaffected. He did the utmost mischief that was in his power; and in consequence of his efforts, Democratic societies sprung up. Mr. S. here gave a particular account of some proceedings of a society in Virginia, of more than usual boldness. He quoted some of their expressions relative to a very illustrious character, the PRESIDENT, and added that perhaps the individuals who composed this society were in themselves too despicable to deserve any notice in this place. He did not know whether they were or not. [Mr. S. was here interrupted by a member from Virginia, and an explanation ensued.]

He then returned to the subject of excise. He said that it was to be noticed, and he proclaimed it here, that antecedent to the Democratic societies making their appearance, the flame of discontent seemed smothered. But these men told the people that they would be slaves. Was not this wrong? They should have told what was well done as well as ill done. From Portland, in Maine, to the other end of the Continent, have they ever approved of one single act? They have scrutinized with eagle eyes into every fault. Whom are we to trust, them, or the man that, more than any other human man ever did, possesses the affection of a whole people? The question is, shall we support the Constitution or not?

Mr. McDOWELL rose to make an apology for some words which had escaped him the day before. He did not expect to have been so smartly handled. He had been forcibly struck at the time, and had spoken from a momentary impulse. In substance, however, he adhered to all his former allegations. He still persisted in believing that the excise laws were shapen in darkness. He apologized for some part of his heat, from having seen and suffered so much by despotic Government during the last war in which this gentleman supported the character of a brave and able officer.

Mr. HILLHOUSE approved of the amendment as proposed by Mr. FITZSIMONS. Constituents made no scruple to tell Representatives of their faults, and he saw no reason why Representatives might not tell constituents of theirs? The resolutions of Democratic societies printed in newspapers, had

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

spirited up the people in the Western counties to resistance. They had weakly fancied that the American nation would not stand by their Constitution and their PRESIDENT. But for the publication of these resolutions, there would have been no insurrection. This was a piece of information which the people of the United States had a right to know. It was the duty of that House to let them know it. The PRESIDENT had done his duty. Mr. H. did not consider the amendment of Mr. FITZSIMONS as an indiscriminate censure levelled at these societies; he thought it only a suitable answer to a part of the PRESIDENT's Speech.

Mr. PARKER concluded this long debate by the following remarks. He did not think that Democratic societies were so far to blame as had been imagined. He suspected that the PRESIDENT himself, for whose character and services he felt as much respect and gratitude as any man in America, had been misinformed on this point. It would be absurd to say, that the Western disturbances originated from the publications of Democratic societies, if it could be proved to the satisfaction of the committee, that such disturbances had begun, long before any of the associations alluded to had a being. To prove this position, Mr. P. desired that the Clerk might read a passage from the letter on that affair, written by Mr. Hamilton, and which has already been published in all the newspapers. The Clerk accordingly read a part of the letter, from which Mr. P. inferred that his inference was incontestable, and he then stated the absurdity of making the Democratic publications the origin of a discontent which existed before them. He was satisfied that the PRESIDENT did not wish this thing echoed; and that he would entirely disapprove of the proposed persecution. Mr. P. said, that he had the honor of being an honorary member of a Democratic society. Personally he knew nothing of the gentlemen, but he understood that they were respectable characters; and that they were friends to good order and the Federal Government, there could be no question, for when the Embargo was laid last spring, and some vessels had been attempting to get off, these vigilant citizens armed and embodied themselves and prevented the execution of the design. With all his respect for the PRESIDENT, he was not to give up his opinions for the sake of any man. He was convinced that all this violent declamation and irritation in the House would do a great deal of mischief, and would have an effect exactly the reverse of what was designed by the amendment as it first stood. A gentleman [Mr. DEXTER] had spoken of town meetings, as the proper vehicles for the communication of political ideas, and had drawn a comparison between these and Democratic societies. Mr. P. requested that it might be noticed, that in the Southern States there neither were nor could be such things as town meetings, because the population was too thin and too widely scattered. They were, therefore, to make the best of it which they could, and meet and deliberate, no matter where, whenever they found a convenient opportunity. Mr. P. expressed, in strong terms, the aversion that his constituents would

feel to this species of censorship. He concluded with these words: "They love your Government much, but they love their independence more."

The question was then called for on striking out the word, "self-created" from the new amendment of Mr. FITZSIMONS. For the amendment of Mr. GILES, ayes 47, noes 45. This amendment, was, therefore, adopted.

Mr. GILES then proposed an amendment, after the words, "combinations of men," by adding, "in the four Western counties of Pennsylvania."

Mr. HARTLEY said, that the gentleman should have added, "and a county in Virginia." This amendment of Mr. GILES was rejected.

The Committee now rose and reported the amendments to the House.

WEDNESDAY, November 26.

An engrossed bill, extending the privilege of franking to JAMES WHITE, the Delegate from the Southwestern Territory, and making provision for his compensation, was read the third time, and passed.

The SPEAKER laid before the House a Letter, signed Oliver Wolcott, jr., on behalf of the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appropriated for the service of the year 1795; also statements of the application of certain sums of money granted by law; which were read, and ordered to be committed to a Committee of the Whole House.

A motion was made and seconded that the House do come to the following resolution:

Resolved, That a committee be appointed to bring in a bill to increase the pay, and regulate the other allowances hereafter to be given to non-commissioned officers, musicians, and privates, of the troops on the Military Establishment of the United States, and of the Militia, when called into actual service, and to ascertain the time when the pay of the Militia shall, in future, commence; and to make further and more ample provision for the pay of the Militia on the present expedition to Fort Pitt."

Ordered, That the said motion be referred to the committee appointed to prepare and report a plan for the better organizing, arming, and disciplining the militia of the United States.

The House resolved itself into a Committee of the Whole House on the bill to authorize the PRESIDENT to call out and station a corps of militia in the four western counties of Pennsylvania, for a limited time; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

THE PRESIDENT'S SPEECH.

The House proceeded to consider the amendments reported yesterday from the Committee of the Whole House, to whom was referred the Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses.

H. OF R.]

President's Speech.

[NOVEMBER, 1794.]

The SPEAKER read that amendment, in which the words *self-created societies* and had been yesterday expunged, after a long debate, and upon the motion of Mr. GILES, from an amendment of Mr. FITZSIMONS.

A pause of a few minutes ensued. At last Mr. DAYTON rose and said, that if nobody else would make the motion he should make it, for replacing the words *self-created societies* and in the amendment to the Address.

Mr. RUTHERFORD declared that he would oppose *these words* to the last. If the Democratic societies spoke nonsense, people would despise them. If they spoke otherwise, the people would esteem them, in defiance of any vote of censure of that House. The people do not look on them with a great deal of reverence, but still they wish to hear them. By the turn which the debate has now taken, if any man is in favor of these societies, *the President is driven across his face*. All the jealousies with regard to the attachment of the people are mere nonsense. In the district which Mr. R. represents, there was not a single Democratic society. But these societies contain many valuable and excellent characters. It answers no purpose, then, to pass votes of this kind. Perhaps Democratic societies have sometimes done wrong, but this was not a proper foundation for condemning them in whole. Every Government under Heaven hath a tendency to degenerate into tyranny. Let the people then speak out. *Why not let them speak out?* What occasion is there for all this alarm among the stockholders? A man falls from his horse, and, while stunned by the blow, he says to his neighbor, is not the universe fallen? Just so the paper-holders have got a small alarm about their stock on account of this war, and in their fright imagine that the Continent is ready for an insurrection. He repeatedly observed, in the course of his remarks, that the country was in a state of the greatest prosperity and tranquility, if gentlemen would not rouse them with the present idle motion, from which he boded no good consequence. He repeatedly affirmed that all was well.

Mr. DAYTON inquired whether all could be well, when it had been requisite to raise an army of fifteen thousand men to quell a rebellion? Was it a mark of that universal tranquility and satisfaction of which the gentleman spoke, that an hundred and fifty men were now prisoners, and about to be tried for high treason? Could all be well in a country from whence large bodies of men had lately fled in a state of rebellion? He understood that the Democratic societies had been given up by all the members, as at any rate contemptible and useless, if not pernicious.

Mr. GILES declared that he felt his situation extremely delicate. On one hand it was highly painful to differ from the gentlemen on the other side of the question. It was likewise extremely disagreeable to be engaged in saying anything that might seem to thwart the sentiments of the PRESIDENT, or imply any want of deference or politeness for so eminent a character. He had endeavored to show that the PRESIDENT really never

wanted or wished for any echo of this nature, and he was still convinced that such was the fact. He was desirous for conciliation, but he never could attempt to purchase it, by an abandonment of opinion, without conviction that he was wrong. He now saw evidently that conciliation could not be obtained. He had done everything in his power to obtain the best information. He had listened attentively to all sides, and if conviction had come home to his mind, he would have announced the alteration of his sentiments. There was one circumstance in particular which persuaded him that the arguments employed on the opposite side were erroneous, which was, that gentlemen, who on other topics had been clear and logical, could not, on this subject, bring themselves to any definite construction. At the same time, after hearing so many eloquent harangues for two days past, he could not suspect them for any want of natural ingenuity. One member. [Mr. MURRAY,] had inveighed against all societies, but when pushed hard, he excepted the Republican Society of Baltimore. A gentleman from Massachusetts had included them *all* in one general sweep of reprobation. [Here Mr. DEXTER rose, and inquired if Mr. GILES meant him. He received for answer that *he* was not meant. Mr. SEDGWICK was the gentleman referred to, and he explained that *all* the societies of this sort which he ever heard of had done mischief; and as to the Baltimore Republican Society, he learned yesterday for the first time, that such a body had an existence. Further about them he could not say.] After this interruption, Mr. GILES reverted to an examination of what had fallen from Mr. MURRAY. That gentleman had declared that he would *dress the press*. [Here Mr. MURRAY stopped Mr. GILES by denying that he ever said any such thing.] Mr. GILES declared that he was sorry if he had misquoted him. He should be happy to be interrupted by any member whom he might happen to misquote. He was glad to be set right. Mr. MURRAY then repeated the words which he had used, or rather part of them. Mr. M. said, that he was sorry for having expressed himself in such a way as to be liable to be misinterpreted, but sometimes it was difficult to avoid an ambiguity or incompleteness of expression. [In the notes of the reporter of the sketch of yesterday, the whole sentence as pronounced by Mr. MURRAY, stands as follows: "The rights of the press ought not to be freely handled. The probe that would reach the bottom of the sore, might give a spasm to the finest nerve in the organs of freedom. We may point out the sore to our constituents, and though it might be an empiricism to cut it out, we may give it an emollient dressing, and trust to the soundness of the National Constitution, and the regimen of reflection for the cure." We have here inserted this passage of Mr. MURRAY's speech of yesterday, in justice to that gentleman, because it seemed evident this day, that he himself could not distinctly recollect it; and on this passage it was that Mr. GILES founded his affirmation that Mr. MURRAY wanted to *dress the press*.]

Mr. GILES proceeded to draw a parallel between

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

what is now endeavored to be done in the House of Representatives, and what has lately been done in France. When once the business of denunciation begins, nobody can tell where it will end. Robespierre, its great progenitor, has been its victim, and who can tell what kind of retorts may be attempted in America. The idea is not new; and has always, in the end, led to the destruction of the parties who were its authors. Mr. G. then adverted to the style of eloquence that has lately been introduced into this place. We have had two days of declamation. Looking at Mr. SEDEWICK, he said, that one would think Demosthenes and Cicero had risen from the dust, and revisited this earth to inculcate their favorite maxim of *Actio! Actio!* He was sorry to say, what he feared was true, that there was at least as much personal irritation, as deliberate judgment, employed on this question, and more he doubted of the former than of the latter.

The House had proposed to denounce the Democratic societies. It was impossible to see where such a business might end; perhaps the Democrats, when they got uppermost, would denounce the anti-Democrats. Mr. G. said that he employed this *last* term, because the term of Aristocrats would, he believed, be unacceptable to every party in the Union. The present amendment confounded the innocent with the guilty. Many brave men had stepped forward from these societies on the present occasion. Indeed there were no proofs that any members of these societies had been guilty. The Baltimore Republican Society were among the very first who took up arms to suppress the insurrection, and, if Mr. G. was not misinformed, many of the Philadelphia Democrats had done the same. The impropriety, therefore, of this vote of censure, would strike all America. Mr. G. remarked, that he would be very glad to know what Congress would say to any gentleman, a member of a Democratic society, who had gone to suppress the Western insurrection. He wished for leave of the Committee to personify such a man. "I am," said he, "a member of a Democratic society. I am likewise a member of a Republican society. The moment that I heard of the Western insurrection, I took up my musket as a volunteer, and marched three hundred miles to suppress the insurrection." Mr. G. could give the address, but he was altogether at a loss for what sort of answer could be made to such a gentleman. It had been said, that when people censured the House, that the House were entitled to return the compliment by censuring them. This position Mr. G. denied. No, sir, said he, the public have a right to censure us, and we have *not* a right to censure them. We have a title, as individuals, but when we undertake this business in the shape of a Legislative body, we are as much a self-created society, as any Democratic club in the Union. We are neither authorized by the Constitution, nor paid by the citizens of the United States, for assuming the office of censorship. Look into the Constitution. We are authorized to legislate, but will gentlemen show me a clause authorizing us to pass votes of

censure, or, above all, to pass votes of censure and reprobation on our constituents? Sir, if such a clause had been inserted in the Constitution, it never would have gone through. The people never would have suffered it. Mr. G. here enlarged on the impropriety of wasting the time of the Committee and the treasure of the United States on three or four words of an Address. It was said, that this was a delicate subject. Why, then, meddle with it? We are leaving the majesty of the people behind us by this kind of trifling. Gentlemen express their attachment to the liberty of the press, and they affirm that by this vote of censure they will not encroach upon it. The distinction is extremely minute between the office of a censor and that of a legislator. It is likely that they may be very soon confounded together.

Mr. G. requested gentlemen to look at the obvious consequences of what they were doing. It had been said that this vote of censure would sink the societies—they were tumbling into dust and contempt. Why, in the newspapers of this very morning, a meeting was advertised for to-morrow night. This was the natural progress of things. Here Mr. G. explained the apparent prospect that the newspapers will presently be suffocated with columns of votes, resolutions, and epistolary lumber of all sorts. He then stated an important distinction. Many people who condemn the proceedings of the Democratic societies, yet will not choose to see them divested of the inalienable privilege of thinking, of speaking, of writing, and of printing. Persons may condemn the abuse in exercising a right, and yet feel the strongest sympathy with the right itself. Are not Muir and Palmer, and the other martyrs of Scotch despotism, toasted from one end of the Continent to the other? And why is it so? These men asserted the right of thinking, of speaking, of writing, and of printing. Yet even their treatment, shocking as it was, did not come quite up to that proposed in the Committee for the Democratic societies; for even these people had at least the semblance of a trial, but the Democratic societies have not even that. There is only one paper on the table that brings any evidence on the subject, and that paper expressly tells us that the seeds of the Western insurrection were planted by the very first introduction of the Excise law, that is to say, some years before the Democratic societies had a being. The Excise and the opposition to it began together. The Democratic societies, when they heard of the insurrection, concurred in a most explicit reprobation of it, and published their resolutions to that purpose. Mr. G. said that he himself could not be said to have an aversion to excise, for he had been a friend to the principle, and had only voted against the law itself, because it was not restricted to a limited time. Mr. G. said, that he had been an object of calumny, misrepresentation, and abuse; but this should not hinder him from proceeding in the direct line of conscious rectitude. He should always preserve that dignity of conduct, to treat abuse with silent contempt.

I have been, said Mr. G., and I still am dissatisfied with the Funding System. Its object, at first

H. OF R.]

President's Speech.

[NOVEMBER, 1794.]

was to divide the people of the United States into two classes, debtors and creditors. Let us have the privilege of honestly paying this Debt. This is the sore, and it is no wonder if the patient sometimes winces under it. Pay off the Public Debt, and I assure you that my censures of Government shall be at an end. Mr. G. said, that he had felt a pain in differing from the gentlemen on the other side of the question. He pressed the idea upon their attention. He quoted that passage in the Speech which has already been cited, in a former sketch of this debate, by Mr. NICHOLAS, and where the PRESIDENT addresses himself to every description of citizens. Mr. G. inferred that the PRESIDENT did not wish Congress to intermeddle in the business. It was not them, but the people to whom he addressed himself, and whom he wished to become censors. He was, therefore, consistent with the PRESIDENT; but, even had he differed from so great an authority, he enjoyed the consolation of having come forward to oppose the very first step made in America to curb public opinion. It had yesterday been alleged, as the very worst trait in the character of Democratic societies, that they began their business after dinner, bolted their doors, and voted in the dark. This was a very alarming and detestable species of conduct! Whether the accusation were true, or not, Mr. G. could not tell from personal knowledge, for he knew nothing about these societies, but from report. But, Mr. Chairman, (pointing to the roof of the room,) is there no other place where people bolt their doors, and vote in the dark? Is there not a branch of our Legislature which transacts its business in this way? And, while things are so, does it become us to censure other people for voting in the dark? We have been drawn into this thing as a point of deference and politeness to the PRESIDENT; and, because nothing could give Mr. G. greater pain than even an appearance of differing from the PRESIDENT, he could wish that nothing of this kind should appear upon the Journals, but that an explicit vote might be avoided by the previous question. He had wished for an accommodation, but gentlemen had got on the *pressing system*, and nothing less than all which they wanted would content them. No accommodation was, in their eyes, admissible.

Mr. G. concluded his speech by declaring, that if he had, upon the present occasion, overstepped the bounds of his habitual calmness, he was sorry for it, and wished to apologize to the Committee; but that his warmth arose from his profound astonishment at the imprudence of agitating the present amendment. Whatever might be the style of his delivery, he had not uttered a single idea which was not produced by deliberate reflection and by honest conviction.

Mr. BOUDINOT thought that speakers had wandered from their proper line of argument. If any bystander had come into the House, to hear the debates of this day, without a previous knowledge of the point in dispute, it would have been impossible for him even to conjecture what question was before the Committee. It had been said, that we ought not to censure where we cannot punish.

By the same rule, we ought not to approve where we cannot reward. It was urged, that, if Democratic societies are unlawful, we ought to punish them; but, if otherwise, we ought to let them alone. Mr. B. denied this axiom. Many things were extremely deserving of censure, which it was impossible to punish. He stated, as a point in law, that if a person were to call him a rascal and a villain, an action would not lie, unless he could specify an injury suffered by this assertion. He employed as an argument, against the whole opposition to the original amendment, that no societies were included in this censure but such as were guilty. Self-created societies had done such and such a thing; but the PRESIDENT neither said, nor intended to say, nor was it possible to misinterpret his words into an intention of saying, that all self-created societies had been partners in exciting the Western insurrection. The amendment, therefore, included nothing like an indiscriminate censure, for it was levelled only at the guilty. The whole reasoning, therefore, of the gentleman, on the opposite side of the question, was entirely out of place. Gentlemen proceeded upon an utter misapplication. It was asked, what good would follow from this vote of censure? Mr. B. foresaw substantial advantages. It would operate as a warning, both to the societies themselves and to other citizens of the United States.

Mr. SCOTT and Mr. AMES were both up at the same time. The latter gentleman immediately sat down. Mr. S. began by observing, that he had lived for twenty-five years in the very midst of the place (Washington county) where the insurrection broke out. He knew that there were self-created societies in that part of the country, and he likewise knew that they had inflamed the insurrection; for some of the leaders of those societies had likewise been the leaders of the riots. The Speech of the PRESIDENT, and the Letter from the Secretary of the Treasury, were in every particular, strictly true. Mr. S. himself, who was in the very midst of the scene, could not have given a more candid and accurate account of it, than that of the PRESIDENT and Mr. HAMILTON. Whether other Democratical societies, besides those in the four Western counties had assisted in kindling the disturbances, Mr. S. could not say. Their publications we have all seen. Further, Mr. S. knew nothing, and thus far every member knew as much as himself. Before he sat down, there was one point which he anxiously pressed upon the House, and this was, that these deluded people were objects of real pity. They were, in the first place, grossly ignorant, and they had been persuaded, by an utmost diligence of situation, that the American Government was, even in theory, the very worst in the world; and next, that, in practice, it was executed much worse than any other government under the sun. Mr. S. observed, that when people had got this length in absurdity, it was not difficult to make them fight against such a Government.

Mr. AMES began with expressing his pleasure that he had sat down to give way to Mr. SCOTT to speak; but this every one must see was attend-

NOVEMBER, 1794.]

President's Speech.

[II. OF R.]

ed with a personal sacrifice : and it was manifestly a disadvantage to bring forward his observations immediately after those of that gentleman, because they were too remarkable for their pertinence and strength to encourage the attempts of their opponents to invalidate, or his own to enforce them.

He requested Mr. GILES, and he urged it strongly on the House, to consider maturely how large a part of the argument he had to answer. Mr. GILES had been occupied in refuting what nobody had asserted, and in proving what nobody had denied. It would appear to every person, at a glance, that, after so large a deduction should be made, the advocate of the amendment would be left almost without an adversary.

He observed, it would be amusing, and not without its uses, to turn a moment from the debate, to inquire what would be said of yesterday's decision. Fame already bears it on all her wings, and proclaims it with all her tongues, that Congress has been engaged in trying the Democratic clubs ; and curiosity stands a tiptoe on all our Post Roads for the answer, which is already gone forth. Forty-seven members were for the clubs, and forty-five against them, so that the clubs gained the victory.

Is this true ? I dare appeal, (said Mr. AMES,) to you, sir, and to every other patriotic bosom, that it is *not true* ; a large majority, and I may even say, with pride and pleasure, almost *all* the members who hear me, despise and abominate the clubs as sincerely as the words of the PRESIDENT'S Speech, the answer of the Senate, his reply to them, or the amendment now before us can imply it.

How happens it, that the real sentiments of the House are so much misrepresented by the vote ? I shall be pardoned if I undertake to explain this enigma. Two reasons have been suggested in private conversation, as well as in debate, which will account for the vote of yesterday, and which, on being stated and re-examined, will afford good cause for changing it to-day. The first is, that we have nothing to do with the clubs. We hold them in too much contempt to have anything to say to them, or about them. They are not worth notice. This contempt had the appearance yesterday of countenance and patronage.

The other motive suggested is, if the words self-created societies should be struck out, the amendment will still contain the substance of the proposition contended for ; which is to reprobate the combinations of men against law. This description will include the clubs, as well as any other wicked combinations that have had any agency in the insurrection.

How far the one or the other of these motives ought to influence those who have entertained them to vote against the amendment for inserting the words "self-created societies and," will appear by a survey of the true posture of the question.

Here Mr. AMES stated, that it was the duty of the PRESIDENT, by the Constitution, to inform Congress of the state of the Union. That he had accordingly in his Speech stated the insurrection and the causes which (he thought) had brought it

on. Among them, he explicitly reckons the self-created societies and combinations of men to be one. The Senate as plainly charge that as one of the causes. The PRESIDENT, in his reply to the Senate, expresses his high satisfaction that they concur with him in opinion. Here Mr. A. read the passages in the Speech, Address, and Answer to the Address. He said further, that an amendment was now offered to the House, expressed, as nearly as may be, in the very words of the PRESIDENT ; an objection is urged against this amendment that the proposition contained in it is not true in fact. It is also said, that although it were true, it would be dangerous to liberty to assent to it in our Answer to the Speech. It is moreover, say they, improper, unnecessary, and indecent, to mention the self-created societies. The amendment now urged upon the House has been put to vote in the Committee of the Whole House, and rejected. What will the world say, and that too from the evidence of our own records, if we reject it again in the House ? Will it not be proclaimed that we reject the motion and give force and validity to the objections ? Do we adopt such objections ? Are the Committee consenting to the shame of having them charged upon the Committee as the principles by which they have guided our decision ? We are not. Mr. A. was sure we are not ; for with a very few exceptions—I wish there were none—both sides have united in reprobating the self-created societies. Surely, then, gentlemen will not hesitate to rescind a vote which is not less deceptive than it is pernicious ? For, if we adopt the amendment, it will appear that all the branches of the Government are agreed in sentiment. If we reject it, what will it proclaim less than imbecility and discord ? What will faction interpret it to import short of this ? "The PRESIDENT and Senate have denounced the self-created societies alluded to in the Speech, and this House has stepped forward for their protection." Besides the unspeakable dishonor of this patronage, is it not rekindling the fire-brands of sedition ? is it not unchaining the demon of anarchy ?

Few as the apologists of the clubs have been, the solemnity and perseverance of their appeal to principles, demand for it an examination.

The right to form political clubs has been urged, as if it had been denied. It is not, however, the right to meet, it is the abuse of the right after they have met, that is charged upon them. Town meetings are authorized by law, yet they may be called for seditious or treasonable purposes. The legal right of the voters in that case would be an aggravation, not an excuse, for the offence. But if persons meet in a club with an intent to obstruct the laws, their meeting is no longer innocent or legal ; it is a crime.

The necessity for forming clubs has been alleged with some plausibility in favor of all the States, except New England, because town meetings are little known, and not practicable in a thinly settled country. But if people have grievances, are they to be brought to a knowledge of them only by clubs ? Clubs may find out more complaints against the laws than the sufferers themselves had

H. OF R.]

President's Speech.

[NOVEMBER, 1794.]

dreamed of. The number of those which a man will learn from his own and his neighbor's experience will be quite sufficient for every salutary purpose of reform in the laws, or of relief to the citizens. He may petition Congress, his own Representative may not fail to advocate, or, at least, to present and explain his memorial. As a juror, he applies the law; as an elector, he effectually controls the legislators. A really aggrieved man will be sure of sympathy and assistance within this body, and with the public. The most zealous advocate of clubs may think them useful, but he will not insist on their being indispensable so.

The plea for their usefulness seems to rest on their advantage of meeting for political information. The absurdity of this pretence could be exposed in a variety of views. I shall decline (said Mr. A.) a detailed consideration of the topic. I would just ask, however, whether the most inflamed party men, who usually lead the clubs, are the best organs of authentic information? Whether they meet in darkness; whether they hide their names, their numbers, and their doings; whether they shut their doors to admit information?

A laudable zeal for inquiry need not shun those who could satisfy it; it need not blush in the daylight. With open doors and an unlimited freedom of debate, political knowledge might be introduced even among the intruders.

But, instead of exposing their affected pursuit of information, it will be enough to show hereafter what they actually spread among the people—whether it is information, or, in the words of the PRESIDENT, “jealousies, suspicions, and accusations of the Government:” whether, disregarding the truth, they have not fomented the daring outrages against the social order and the authority of the laws. (*Vote the PRESIDENT'S Speech.*)

They have arrogantly pretended sometimes to be the people, and sometimes the guardians, the champions of the people. They affect to feel more zeal for a popular Government, and to enforce more respect for Republican principles, than the real Representatives are admitted to entertain. Let us see whether they are set up for the people, or in opposition to them, and their institutions.

Will any reflecting person suppose, for a moment, that this great people, so widely extended, so actively employed, could form a common will and make that will law in their individual capacity, and without representation? They could not. Will clubs avail them as a substitute for representation? A few hundred persons only are members of clubs, and if they should act for the others, it would be an usurpation, and the power of the few over the many, in every view infinitely worse than sedition itself, will represent this Government.

To avoid this difficulty, shall the whole people be classed into clubs? Shall every six miles square be formed into a club sovereignty? Thus we should guard against the abuse of trust, because we should delegate none, but every man might go and do his business in his own person. We might thus form ten or twenty thousand democracies, as pure and simple as the most disorganizing spi-

rit could sigh for; but what could keep this fair horizon unclouded? What could prevent the whirlwinds and fires of discord, intestine and foreign, from scattering and consuming these fritters and rags of the society, like the dry leaves in autumn? Without respectability, without safety, without tranquility, they would be like so many caves of Æolus, where the imprisoned storms were said to struggle for a vent. If we look at Greece, so famed for letters and more for misery, we shall see their ferocious liberty made their petty commonwealths wolves' dens—that liberty, which poetry represents as a goddess, history describes as a cannibal.

Representative Government, therefore, is so far from being a sacrifice of our rights, that it is their security; it is the only practicable mode for a great people to exercise or have any rights. It puts them into full possession of the utmost exercise of them. By clubs will they have something more than all? Will such institutions operate to augment, to secure, or to enforce their rights, or just the contrary?

Knowledge and truth will be friendly to such a Government, and that in return will be friendly to them. Is it possible for any to be so deluded as to suppose that the over-zeal for Government, on the part of the supporters of this amendment, would prompt them to desire or to attempt the obstruction of the liberty of speech, or the genuine freedom of the press? Impossible! That would be putting out the eyes of the Government which we are so jealous to maintain. The abuses of these privileges may embarrass and disturb our present system; but, if they were abolished, the Government must be changed. No friend, therefore, of the Constitution could harbor the wish to produce the consequences which it is insinuated are intended to ensue. Mr. A. resumed the remark that the Government rests on the enlightened patriotism of an orderly and moral body of citizens. Let the advocates of Monarchy boast that ignorance may be made to sleep in chains; that even corruption and vice may be enlisted as auxiliaries of the public order. It is, however, a subject of exultation and confidence that such citizens as we represent, so enlightened, so generally virtuous and uncorrupted, under the present mild Republican system, practically are safe, nay, more, it is evidently the only system that is adapted to the American state of society. But such a system combines within itself two indestructible elements of destruction, two enemies with whom it must conflict forever; whom it may disarm, but can never pacify—vice and ignorance. Those who do not understand their rights, will despise or confound them with wrongs, and those whose turbulence and licentiousness find restraints in equal laws, will seek gratification by evasions or combinations to overawe or resist them.

A Government that protects property, and cherishes virtue, will of course have vice and profligacy for its foes, because it will be compelled to abridge their liberty to prevent their invading the rights of other citizens. The virtuous and the enlightened will cling to a Republican Government,

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

because it is congenial no less with their feelings than their rights. The licentious and the profligate are ever ready for confusion, which might give them every thing, while laws and order deny them every thing. The ambitious and desperate, by combinations, acquire more power and influence than their fellow-citizens; the credulous, the ignorant, the rash, and violent, are drawn by artifice, or led by character, to join these confederacies. The more free the Government, the more certain they are to grow up, for where there is no liberty at all, this abuse of it will not be seen. Once formed into bodies they have an *esprit du corps*, and are propelled into errors and excesses, without shame or reflection. A spirit grows up in their progress, and every disappointment makes them more loose, as to the means, and every success more and more immoderate in the objects of their attempt. Calumny is one of those means. Those whom they cannot punish or control, they can vilify; they can make suspicion go where their force could not reach, and by rumors and falsehoods multiply enemies against their enemies. They become formidable, and they retaliate upon the magistrates those fears which the laws have inspired them with. The execution of the laws is not accomplished without effort, without hazard. Instead of mildness, of mutual confidence, instead of the laws almost executing themselves, more rigor is demanded in the framing, more force to secure the operation of the laws. The clubs and turbulent combinations exercising the resisting power, it is obvious that Government will need more force, and more will then be given to it.

Thus it appears, that instead of lightening the weight of authority, it will require a new *momentum* from clubs and combinations formed to resist it. Turbulent men, imbodied into hosts, will call for more energy to suppress them than if the discontented remained unimbodied. Disturbances, fomented from time to time, may unhappily change the mild principles of the system, and the little finger then may be found heavier than the whole hand of the present Government. For if the clubs and the Government should both subsist, tranquility would be out of the question. The continual contest of one organized body against another would produce the alternate extremes of anarchy and excessive rigor of Government. If the clubs prevail, they will be the Government, and the more secure for having become so by a victory over the existing authorities.

In every aspect of the discussion, the societies formed to control and vilify a Republican Government are hateful. They not only of necessity make it more rigorous, but they tend with a fatal energy to make it corrupt. By perverting the truth and spreading jealousy and intrigue through the land, they compel the rulers to depend on new supports. The usurping clubs offer to faction within these doors the means of carrying every point without. A corrupt understanding is produced between them. The power of the clubs will prevail even here, and that of the people will proportionally decline. The clubs echo the language of their protectors here; truth, virtue, and

patriotism, are no longer principles, but names for electioneering jugglers to deceive with. Calumny will assimilate to itself the objects it falls on. It will persecute the man who does his duty; it will take away the reward of virtue, and bestow praise only upon the tools of faction. By betraying his trust, a man may then expect the support of the powerful combinations opposed to the Government. By faithfully adhering to it, he encounters persecution. He finds neither refuge nor consolation with the public, who become at length so corrupted as to think virtue in a public station incredible, because it would be, in their opinion, folly. The indiscriminate jealousy which is diffused from the clubs tends no less to corrupt the suspicious than the suspected. It poisons confidence, which is no less the incitement than the recompense of public services. It lowers the standard of action.

These observations, which seem to be founded on theory, unfortunately bear the stamp of experience. History abounds with the proofs. Never was there a wise and free Republic, which was exempt from this inveterate malady. We can find a parallel for the brightest worthies of Greece, as well as for their calumniators. In that country, as well as in this, the assassins of character abounded. While slander is credited only by its inventors, it is easy for a man to maintain the serenity of his contempt for both. But when it is adopted by the public, few are hardy enough to despise opinion; he that pretends to do so is a hypocrite, and if he really does so, he is a wretch. This precious property is one of the first objects of invasion, and the combinations alluded to are well adapted and actively employed to destroy it.

It is a plausible opinion, that if the Government is not grossly defective in its form, or corrupt in its administration, animosities against it will not exist. This corresponds neither with sound sense nor experience. Equal laws are the very grievances of these petty tyrants, who combine together to engross more than equal power and privileges. When power is conferred exclusively upon the worthy, the profligate and ambitious are driven to despair of success, by any methods that the worthy would adopt. The more pure and free the Government, the more certainly will the worst men it protects and restrains become its implacable enemies, and such men have ever been the foes of Republics. The outcasts from society, those who singly are shunned because infamy has smitten them with leprosy, men who are scored with worse than plague sores, are the first to combine against it. And such men have the front to preach purity of principles and reformation. Such men will meet in darkness and perform incantations against liberty—there they will gather to medicate their poisons, to whet their daggers, to utter their blasphemies against liberty, and may proceed again to shout from that gallery, or may collect with cannon at this door, to perpetrate sacrilege here in her very sanctuary.

It will be asked what remedy for this evil? I answer no violent one. The gentle power of opinion, I flatter myself, will prove sufficient among

H. of R.]

President's Speech.

[NOVEMBER, 1794.]

our citizens who have sense, morals, and property. The hypocrisy of the clubs will be unmasked, and the public scorn, without touching their persons or property, will frown them into nothing.

Mr. A. next proceeded to advert more particularly to facts. He made mention of the Jesuits, who were banished for becoming a club against the European Governments. He mentioned the Jacobins also, who performed well in pulling down the old Government, but because they would continue pulling down the new one, as such clubs ever will, had their hall locked up by *Legendre*. Our committees in 1774 and 1775, were efficient instruments to pull down the British Government. Yet, although they were friendly to our own, the people laid them aside as soon as they wished to build up instead of pulling down. If our Government were to be demolished, clubs would be a powerful means of doing it, and the people may choose to countenance them at that time. But as they choose no such thing at present, they will discountenance them. The Cincinnati were personally worthy men, officers of the most deserving army that ever triumphed. Yet, although they were friendly to the Government, and possessed the confidence of the citizens by the most brilliant titles, the nature of their institution raised a jealousy and ferment. The State Legislatures condemned it, as setting up a Government within the Government. What then are we to say of clubs? Facts have been rather imprudently called for, and let them be examined.

The Democratic Society of Vermont state, as one reason for their establishment, the unmerited abuse with which the public papers have so often teemed against the Minister of our only ally. This was long after *Genet's* whole correspondence had been published, and after France had unequivocally disapproved his conduct.

Agreeably to a previous notification, there met at Pittsburg, on the 21st of August, a number of persons, styling themselves "A Meeting of sundry Inhabitants of the Western Counties of Pennsylvania."

This meeting entered into resolutions not less exceptionable than those of its predecessors. The preamble suggests that a tax on spirituous liquors is unjust in itself and oppressive upon the poor, that internal taxes upon consumption must in the end destroy the liberties of the country in which they are introduced; that the law in question, from certain local circumstances which are specified, would bring immediate distress and ruin upon the Western country; and concludes with the sentiment, that they think it their duty to persist in remonstrances to Congress; and in every other legal measure that may obstruct the operation of the law.

The resolutions then proceed, first, to appoint a committee to prepare and cause to be presented to Congress an Address, stating objections to the law, and praying for its repeal. Secondly, to appoint committees of correspondence for Washington, Fayette, and Alleghany, charged to correspond together, and with such committees as should be appointed for the same purpose in the county

of Westmoreland, or with any committees of a similar nature, that might be appointed in other parts of the United States; and, also, if found necessary, to call together either general meetings of the people, in their respective counties, or conferences of the several committees; and, lastly, to declare that they will in future consider those who hold offices for the collection of the duty, as unworthy of their friendship, that they will have no intercourse nor dealings with them, will withdraw from them every assistance, withhold all the comforts of life which depend upon those duties, that as men and fellow-citizens we owe to each other, and will upon all occasions treat them with contempt; earnestly recommending it to the people at large, to follow the same line of conduct towards them.

He mentioned the shameful transaction at Lexington, in Kentucky, where Mr. Jay was burned in effigy. It was painful, he said, thus to dwell on the dishonor of the country, but it was already published.

The club of Charleston, South Carolina, solicited an adoption of the Jacobin club at Paris. They also addressed Consul Margouit, who had actually granted commissions to privateers, in defiance of the *PRESIDENT's* Proclamation of Neutrality.

The club of Pinckney District in Carolina voted in favor of war and against paying taxes, because they were too far from the market.

A Virginia club had voted an alteration in the Constitution, in order that an amendment might prevent the *PRESIDENT* being again eligible. Is proof necessary to those who remember the state of this city last spring? Are the resolves of the clubs of this place and New York forgotten? Could outrage and audacity be expected to venture further? One condemned the excise as odious and tyrannical; the other, enforcing that sentiment, published its condemnation of Mr. Jay's mission of peace. Did not all of them arraign the whole Government, reprobate the whole system of laws, charge the breach of the Constitution on the *PRESIDENT*, and unspeakable turpitude on the Administration, as well as on this body? Surely Americans, feeling as they ought, for the honor and peace and safety of their country, cannot forget these excesses; they cannot remember them in any manner which my reprobation could enforce.

The following is an extract from the proceedings of a meeting of Delegates from the Election Districts of Alleghany county, held at Pittsburg, April 10, 1794, *Thomas Morton* in the Chair:

"At this juncture we have France to assist us, who, should we now take a part, will not fail to stand by us until Canada is independent of Britain, and the instigators of Indian hostilities are removed; and should we lie by, while France is struggling for her liberties, it cannot be supposed that her Republic will embark in a war on our account after she shall have been victorious. It was for this reason, that though we approved of the conduct of the President and the Judiciary of the United States, in their endeavors to preserve peace and an impartial neutrality, until the sense of the nation had been taken

NOVEMBER, 1794.]

President's Speech.

[H. of R.]

on the necessity of retaliation by actually declaring war, yet now that the Congress have been convened, and such just grounds exist, we are weary of their tardiness in coming forward to measures of reprisal.

"But we have observed with great pain, that our councils want the integrity or spirit of Republicans. This we attribute to the pernicious influence of stockholders or their subordinates; and our minds feel this with so much indignancy, that we are almost ready to wish for a state of revolution, and the guillotine of France, for a short space, in order to inflict punishment on the miscreants that enervate and disgrace our Government."

If the black charges thus brought against Congress and the whole Government were true, the people ought to fly to arms. They ought to pull down this tower of iniquity so as not to leave one stone upon another. The deluded Western people believed them true, and acted accordingly. The great mass of the discontented, therefore, are to be pitied for the ignorance and credulity which made them the dupes of the clubs. They thought they were doing God and their country service by cleansing this Augean stable of its filth. It was not oppression that roused them to arms, as some would insinuate; for their country flourishes wonderfully. It was an insurrection raised by the wicked arts of faction.

A moment, however, is due to the peculiar falsity of two of the slanders on this body. The fears of simple citizens have been startled with the fable, that there is a Monarchy party in this House and the other. Look around, sir, said Mr. A., if you please, and decide whether there is one man, who is not principled as a Republican, who does not think such a form adapted to our people, and our people to it; and who would not shed his blood and spend his last shilling against the introduction of Monarchy? I persuade myself, sir, there is not even one man here whom any other member even thinks in his heart is to be suspected on that head.

The other slander which has contributed to kindle a civil war, is the *paper nobility* in Congress; that the taxes are voted for the sake, and carried solely by the strength of those who put the proceeds in their pockets. Is there a word of truth in this? On the contrary, there are probably not ten members who have *any* interest in the funds, and that interest very inconsiderable. Citizens have thus been led by calumny and lies to despise their Government and its Ministers, to dread and to hate it, and all concerned in it, so that the insurrection is chiefly owing to the men and the societies, who have invented, or confirmed, and diffused these slanders.

The fact is too notorious for any man even to pretend ignorance, that the insurgents were encouraged to take arms by the delusive hope that the militia would not turn out against them. Had they believed that the citizens were as firm for Government, as to their immortal honor they have shown that they are, would the folly or desperation of the Western people have proceeded to arms? They would not.

But the self-made societies had published that

the rulers were tyrants, usurpers, and plunderers, abhorred by the people, who would soon hurl them down. Let us ask a moment's pause to reflect what would have been the fate of America, if these parricide clubs had really proceeded in poisoning the public mind, as completely as they attempted to do. The Western insurgents would have found armies not to suppress, but to assist them. This fair Edifice of Liberty, the palladium of our country, the world's hope, would have crumbled to powder.

Mr. A. then proceeded to notice some of the observations which had been urged against the motion. He asked whether, in a point that so nearly concerned truth and duty, the Committee could conciliate, that is, deny the truth and betray their duty. The proposition stated by the President was true, and had been proved to be so. Shall our silence suppress or contradict the dictates of this conviction?

It is urged that we have no right to pass this vote; a singular objection, since those who make it are consenting to the adoption of the clause, to which the words self-created societies are moved to be added. That clause is as improper, and as unconstitutional a declaration as the amendment. Is it possible that those are serious in this objection, who voted applause to General Wayne and his gallant army? Is this House a court-martial to try them if they had done ill instead of well? Had the State Legislatures no right to pass votes respecting the Cincinnati? Then we have no right to answer the Speech at all, as the Constitution is silent on that head. But are gentlemen who profess so much attachment to the people, and their rights, disposed to abolish one of the most signal, the character of this House as the grand inquest of the Nation, as those who are not only to impeach those who perpetrate offence, but to watch and give the alarm for the prevention of such attempts?

We are asked, with some pathos, will you punish clubs, with your censure, unheard, untried, confounding the innocent with the guilty? Censure is not punishment, unless it is merited, for we merely allude to certain self-created societies, which have disregarded the truth, and fomented the outrages against the laws. Those which have been innocent will remain uncensured. It is said, worthy men belong to those clubs. They may be as men not wanting in merit, but when they join societies which are employed to foment outrages against the laws, they are no longer innocent. They become bad citizens. If innocence happens to stray into such company, it is lost. The men really good will quit such connexions, and it is a fact, that the most respected of those who were said to belong to them, have long ago renounced them. Honest, credulous men may be drawn in to favor very bad designs, but so far as they do it, they deserve the reproach which this vote contains, that of being unworthy citizens.

If the worst men in society have led the most credulous and inconsiderate astray, the latter will undoubtedly come to reflection the sooner for an appeal to their sense of duty. This appeal is

H. OF R.]

President's Speech.

[NOVEMBER, 1794.]

made in terms which truth justifies, and which apply only to those who have been criminal.

It is said, that this vote will raise up the clubs into importance. One member has even solemnly warned us against the awakening of their resentments. It is not clear to my understanding, (said Mr. A.) how all the consequences which have been predicted from this vote will be accomplished. This is a breach of right, a crushing of those free societies by our censure. It is putting them down, and yet we are warned that it is raising them up and making them stronger than this Government. The friends of the motion are said not to agree in the principle of their defence of it, and therefore it is boldly affirmed that they have no principle. Is there any difficulty in retorting this invective? If this vote will call the attention of the people of America to this subject, so much the better. The truth will no doubt be sought and found at last, and with such an enlightened public, I expect the result will be made with its usual good sense. That the self-created societies described in the clause, are calculated to destroy a free Government; that they will certainly destroy its tranquillity and harmony, and greatly corrupt the integrity of the rulers, and the morals of the people.

In the course of his remarks, Mr. A. strongly insisted that the vote was not indefinite in its terms. Societies were not reprobated because they were self-made, nor because they were political societies. Every body as readily admitted that they might be innocent, as they have been generally imprudent. It is such societies as have been generally imprudent. It is such societies as have been regardless of the truth, and have fomented the outrages against the law, &c.

Nor is the intention of this amendment to flatter the PRESIDENT, as it has been intimated. He surely has little need of our praise on any personal account. This late signal act of duty is already with his grateful country, with faithful history: nor is it in our power, or in those of any offended self-created societies, to impair that tribute which will be offered to him. As little ground is there for saying that it is intended to stifle the freedom of speech and of the press. The question is, simply, will you support your Chief Magistrate? Our vote does not go merely to one man and to his feelings. It goes to the trust. When clubs are arrayed against your Government, and your Chief Magistrate decidedly arrays the militia to suppress their insurrection, will you countenance or discountenance the officer? Will you ever suffer this House, the country, or even one seditious man in it, to question for an instant, whether your approbation and co-operation will be less prompt and cordial than his efforts to support the laws? Is it safe, is it honorable, to make a precedent, and that no less solemn than humiliating, which will authorize, which will compel every future President to doubt whether you will approve him or the clubs? The PRESIDENT now in office would doubtless do his duty promptly and with decision in such a case. But, can you expect it of human nature? and if you could, would you put it at risk whether in future a President shall

balance between his duty and his fear of your censure. The danger is, that a Chief Magistrate, elective as ours is, will temporize, will delay, will put the laws into treaty with offenders, and will even insure a civil war, perhaps the loss of our free Government, by the want of proper energy to quench the first sparks. You ought, therefore, on every occasion, to show the most cordial support to the Executive in support of the laws.

This is the occasion. If it is dangerous to liberty, against right and justice, against truth and decency, to adopt the amendment, as it has been argued, then the PRESIDENT and Senate have done all this.

Mr. A. concluded with saying, that in a speech so long, containing such various matter, and so rapidly delivered, he might have dropped many observations in an incorrect state. He relied on the candor of the House, and of his opponents, for the interpretation of them.

The House now adjourned without taking any question.

THURSDAY, November 27.

An engrossed bill to authorize the PRESIDENT to call out and station a corps of militia in the four Western counties of Pennsylvania, for a limited time, was read the third time, and passed.

Mr. CORR, from the committee appointed, presented a bill for the relief of John R. Livingston; which was read the first time.

THE PRESIDENT'S SPEECH.

The House resumed the consideration of the amendments reported on Tuesday last, from the Committee of the Whole House, to whom was referred the Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress. Whereupon,

The first amendment being under consideration, to insert as the second clause of the said Address, the words following, to wit:

"In tracing the origin and progress of the insurrection, we can entertain no doubt that certain combinations of men, careless of consequences and disregarding the truth, by disseminating suspicions, jealousies, and accusations of the Government, have had all the agency you ascribe to them, in fomenting this daring outrage against social order and the authority of the laws."

A motion was made and seconded to amend the said clause, by inserting, after the word "certain," the words "self-created societies and:"

Mr. RUTHERFORD, continued his opposition to the motion. He repeated the substance of his former remarks on the conduct of those who appeared so solicitous to throw an odium on the Democratic societies. He contended that too much importance was given to these institutions; they were harmless of themselves, and if let alone, would have no more weight in the community than their conduct should entitle them to. If they promulgated truth, the people would hear them, and follow their advice; if not, they would sink into contempt. But what is the import of the motion? It savors of jealousy; a mere suspicion—

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

of what? He saw nothing on which to found any such jealousy or suspicion. The people are satisfied with their own Government, they will support it. The people are happy and contented; why then raise doubts and difficulties? Why start at shadows? Why give consequence to trifles? "Trifles light as air, are to the jealous confirmations strong as proofs of Holy Writ." Let us dismiss this unmanly jealousy, and let us imitate the example set us by the State of Massachusetts. There was a man in that State by the name of Shays; he raised a bustle, and made a noise; but what did the Government do? Why, they despised him, and in a short time he sunk into insignificance.

MR. BALDWIN said, he had, from the beginning, entertained doubts relative to the propriety of going into the business before the House in the minute manner proposed. Adverting to the usual process in conducting transactions of this nature, he observed, that the present appeared to be a deviation, if not an entire innovation, on the usual mode. During the recess, the PRESIDENT collected and arranged the information which he deemed proper to lay before the House; it cannot, therefore, be expected, that the House should at once, at the threshold of the session, enter into a minute answer to the communications of the PRESIDENT, containing facts and opinions the result of five or six months' experience and reflection, before they have had time to examine those opinions, and investigate those facts. This never was the practice of this House, and cannot be expected from them.

MR. B. then adverted to the allegations which had been adduced against the Democratic societies; he questioned their authenticity. Excepting the statement in the possession of the House, (that of the Secretary of the Treasury,) he knew of no document affording any evidence of the facts alleged; and that assigned a different cause for the insurrection, for it appears by it that discontents had proceeded to a great height before the formation of these societies. It had been asserted that the House had a right to inquire into the causes of the insurrection. Let us proceed, then, as an inquest; let us call for the evidence, and sift the business to the bottom. At present, he insisted the House was not prepared to judge and decide. If the Speech must be echoed in every minute part, let us appoint a committee to digest and report a state of facts, as in the case of General St. Clair. In matters of notoriety—such as, that we were enjoying the blessings of peace, (when in truth that was the case,) or in respect to any other self evident position that was in itself incontrovertible, he had no objection to an echo of the Address to the House; but on an occasion like the present, when there was such a contrariety of opinions, he could not see the propriety of it. He regretted the loss of time that the discussion had occasioned, and that it had not been employed in the more essential business of the session. As to Democratic societies, there were none, to his knowledge, in the State he represented, (Georgia); but if there were, he should not feel alarmed at

the circumstance. He doubted whether the PRESIDENT meant to include the societies in general, under that denomination; he rather supposed he had reference only to those in the four Western counties of Pennsylvania. As a more general idea, MR. B. said, he preferred the expression combinations of men, &c. He was fully of opinion, that, rather than spin out the debate to any further length, it would be much more eligible to leave the subject altogether, and take up the other business of the nation. He was sure that the PRESIDENT, for whom he professed the highest respect, could not be pleased with this mode of conducting that before them.

MR. MADISON said he entirely agreed with those gentlemen who had observed that the House should not have advanced into this discussion, if it could have been avoided; but having proceeded thus far, it was indispensably necessary to finish it. Much delicacy had been thrown into the discussion, in consequence of the Chief Magistrate; he always regretted the circumstance, when this was the case. This, he observed, was not the first instance of difference in opinion between the PRESIDENT and this House. It may be recollected that the PRESIDENT dissented both from the Senate and this House on a particular law, (he referred to that apportioning the Representatives); on that occasion, he thought the PRESIDENT right; on the present question supposing the PRESIDENT really to entertain the opinion ascribed to him, it affords no conclusive reason for the House to sacrifice its own judgment. It appeared to him, as it did to the gentleman from Georgia, that there was an innovation in the mode of procedure adopted on this occasion. The House are on different ground from that usually taken. Members seem to think that in cases not cognizable by law, there is room for the interposition of the House. He conceived it to be a sound principle, that an action innocent in the eye of the law could not be the object of censure to a Legislative body. When the people have formed a Constitution, they retain those rights which they have not expressly delegated. It is a question whether what is thus retained can be legislated upon. Opinions are not the objects of legislation. You animadvert on the abuse of reserved rights: how far will this go? It may extend to the liberty of speech, and of the press. It is in vain to say that this indiscriminate censure is no punishment. If it falls on classes, or individuals, it will be a severe punishment. He wished it to be considered how extremely guarded the Constitution was in respect to cases not within its limits. Murder, or treason, cannot be noticed by the Legislature. Is not this proposition, if voted, a vote of attainder? To consider a principle, we must try its nature, and see how far it will go: in the present case, he considered the effects of the principle contended for would be pernicious. If we advert to the nature of Republican Government, we shall find that the censorial power is in the people over the Government, and not in the Government over the people. As he had confidence in the good sense and patriotism of the people, he did not anticipate any lasting evil to

H. of R.]

President's Speech.

[NOVEMBER, 1794.]

result from the publications of these societies; they will stand or fall by the public opinion; no line can be drawn in this case. The law is the only rule of right: what is consistent with that, is not punishable; what is not contrary to that, is innocent, or at least not censurable by the Legislative body.

With respect to the body of the people, (whether the outrages have proceeded from weakness or wickedness,) what has been done, and will be done by the Legislature, will have a due effect. If the proceedings of the Government should not have an effect, will this declaration produce it? The people at large are possessed of proper sentiments on the subject of the insurrection; the whole Continent reprobates the conduct of the insurgents; it is not, therefore, necessary to take the extra step. The press, he believed, would not be able to shake the confidence of the people in the Government. In a Republic, light will prevail over darkness, truth over error: he had undoubted confidence in this principle. If it be admitted that the law cannot animadvert on a particular case, neither can we do it. Governments are administered by men: the same degree of purity does not always exist. Honesty of motives may at present prevail, but this affords no assurance that it will always be the case. At a future period, a Legislature may exist of a very different complexion from the present: in this view we ought not, by any vote of ours, to give support to measures which now we do not hesitate to reprobate.

The gentleman from Georgia had anticipated him in several remarks. No such inference can fairly be drawn as that we abandon the *PRESIDENT*, should we pass over the whole business. The vote passed this morning, for raising a force to complete the good work of peace, order, and tranquility, begun by the Executive, speaks quite a different language from that which has been used to induce an adoption of the principle contended for. Mr. M. adverted to precedents; none parallel to the subject before us existed. The inquiry into the failure of the expedition under St. Clair was not in point. In that case, the House appointed a Committee of Inquiry into the conduct of an individual in the public service; the Democratic societies are not. He knew of nothing in the proceedings of the Legislature which warrants the House in saying, that institutions confessedly not illegal were subjects of Legislative censure.

Mr. DEXTER rose in reply to Mr. MADISON. He said that, if he viewed the subject as trivial as some gentlemen appeared to, he would not trouble the House with any further remarks, after having so long detained them while in Committee: if he viewed the amendment proposed as dangerous to the most perfect freedom of expressing political opinions, as the gentleman seemed to who was last up, he would be the last to support it. He said that the most certain way to destroy this freedom was, to encourage an unlimited abuse of it; and the way to render a free press useless, was to prostitute it to the base purposes of party and falsehood, until, wearied with

constant impositions, the public would reject all information from that source as uncertain and delusive. He said that the most successful weapon used by the enemies of civil freedom ever had been, to push the ideas of liberty to such wild extremes as to render it impracticable and ridiculous, and thus to compel the sober part of the community to submit to usurpation as a less evil than utter insecurity and anarchy: he added, if America loses her liberty, this will be the instrument of her destruction. We possess, he said, greater equality of property and information than any other nation; the means of subsistence are so easily obtained, that no man is necessarily dependent on the will of another; from these circumstances, our country is more fit than any other for a Republican form of Government: if we fail in maintaining it, we shall be fairly considered to have made an experiment not only for ourselves, but for the world, which will prove that the beautiful theory of civil freedom is not practicable by man; that ambition and envy, aided by ignorance, are naturally too strong for patriotism. Mr. D. said, that the nature of civil freedom is more obscure than its real friends could wish; that it consists rather in what it forbids than in what it allows; that man was free before he became a member of society: that the great object of associating was not to obtain freedom, for that was possessed before; but to guard against the abuse of it, in violating the rights of others. My liberty, he said, is, that all other citizens are restrained from violating my rights, and the liberty of each one of them is, that I and all others are equally restrained from violating his rights. Restraint, then, is necessary to constitute civil liberty; and the uniformity of this restraint, as it operates equally on all classes of citizens, is equality. I know, sir, that a doctrine very different from this has been holden by some false apostles of liberty, and that the aspiring, the vicious, the desperate, and the weak, have flocked to this standard: by them the power to violate the rights of others, and disturb the public peace with impunity, has been profanely called liberty, and the universality of this has been called equality. Can I be a freeman, sir, if the Government which is my only security for all my rights, may be invaded with impunity, and my reputation, the dearest of all possessions and the best reward of virtue, blasted by the foul breath of slander and falsehood? When this shall be admitted as a principle in the American code, we shall call that freedom which will be our misery; we shall cease to deserve liberty; we shall need a master. Let men meet for deliberating on public matters; let them freely express their opinions in conversation or in print, but let them do this with a decent respect for the will of the majority, and for the Government and rulers which the people have appointed; let them not become a band of conspirators, to make and propagate falsehood and slander; let them not instigate to the highest crimes against society; and, sir, if any have so done, let not us encourage them in these outrages by calling them the exercise of the inviolable rights of freemen,

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

To suffer misrepresentations of Government to gain credit among the people, is giving a blow to the weakest part of our Government. It would be a most important political acquisition, if means could be devised to scatter through the Union true ideas of the measures of Government. The best intentions cannot now guard the citizens from being deceived, by the cunning and depraved: some improvement on this subject seems essentially necessary to perfect the system of political freedom. Scattered, as our countrymen are, over an immense country, and employed in useful industry, perhaps this is rather to be wished for than expected; but we can at least take measures to prevent the most fatal effects from misrepresentations and scandal.

Mr. D. said, he had made these remarks as being applicable to most of the reasoning against the proposed amendment, and particularly to that of the gentleman from Virginia, who last sat down, [Mr. MADISON.] He was no more inclined to infringe rights which the people had reserved than that gentleman; but he did not know any article or principle of the Constitution by which the people had reserved to themselves the precious right of vilifying and misrepresenting their own Government and laws, and exciting treason and rebellion, with impunity. However inestimable the right of free discussion of public matters, and of a free press, might be, (and no man valued them more highly than himself,) he thought that when they were so abused as to become hostile to liberty, and threaten her destruction, the abuses ought to be corrected; and he argued from the principle of self-preservation, that the Government of every country must have the right to do so. Unless those are more sacred than the very liberty they are designed to secure, this cannot be denied.

Mr. D. observed, that Mr. MADISON had stated as a principle from which to argue, and on which almost all his deductions were founded, a proposition so doubtful in itself, that it ought rather to be proved, than assumed as a first principle from which to reason, viz. that we cannot rightfully intermeddle in any way with a subject which we cannot regulate by law. Admitting it to be a true and self-evident proposition, however, he said, it concluded nothing against the amendment: for it would still remain to be proved, which it never could be, that the Legislature had no right to restrain such abuses by law. He did not think it necessary or expedient to make any law on the subject; he hoped it never would be; but he did not doubt the right to forbid such flagrant outrages on social order, and all arts tending to produce them. There can be no better proof, he said, that such laws may be made, than that they now exist. Mr. MADISON had mentioned religious societies as not to be prohibited by law: as such, Mr. D. said they clearly could not be; no more could harmless discussions of political subjects by individuals or associations. But would any man doubt, when under the pretence of the exercise of these rights the blackest crimes were instigated and perpetrated, that the law had a right to punish? The clubs have waged war not only with

the Government which the people have instituted and the rulers which they have appointed, but they have counteracted all the most essential principles of Republicanism. They, being a small minority, have attempted to control the majority; to usurp a power which the people never delegated to them; to act as censors, nay, controllers of the Government and laws; they are responsible to nobody for the exercise of it, and are to continue in office as long as they shall please. Such societies have all the properties, except the power, of absolute despotism; yet these tyrants prate about liberty, and profane the name of Republicanism.

Mr. D. adverted to Mr. MADISON's observation that the censure intended must be a punishment, and that the House had no Constitutional right to convict or to punish for crimes. If the proposed amendment be a punishment, he said, it is of a singular kind; it is punishment in the abstract, without an object punished. It says that *certain* self-created societies have trespassed. Can this be called a stigma on all such societies? The word *certain* forbids this construction. Which society is punished? None; unless conscience or public opinion shall designate the object.

The PRESIDENT, in another part of his Address, has lamented that certain citizens have shown themselves capable of an insurrection; and we have done the same in our Answer. Is this a stigma on all citizens? It had been repeatedly said, that the measure is unnecessary, because the danger has subsided; but, he asked, is it not necessary to inform the people from whence the evil arose, to guard against a repetition of it? Can we always presume on the same prompt patriotism of a future Executive, or the same public confidence in his measures and compliance with his requisitions? or, on the same good fortune in reclaiming or subjugating the disobedient? There was a time, when the insurrection was truly formidable; it rose like a water-spout, threatening to annihilate gravity, and throw the ocean to Heaven; and as that, by force of the general principle of attraction, returns again to its former level, and mixes with the surrounding waters, so this civil tumult has been overcome by the energy of the laws; but it is folly to incur future evils, presuming on similar good fortune. The heavy hand of despotism may forcibly hold down the scale which preponderates, and preserves public order; but in free establishments like ours, where the scales are nicely balanced, the smallest breath disturbs the equilibrium.

A gentleman from Virginia [Mr. GILES] has compared the amendment to the denunciations of France. Those were not uttered by the organs of the public will; they were denunciations of individuals, or self-created societies against individuals; whereas this is neither. This is only stating a fact for public information. The same gentleman, and many others, have said that we have not sufficient evidence of this fact. We know, sir, that resolutions of such societies, encouraging rebellion, were made and published; we know that their natural effect did take place.

Knowing, then, both the cause and effect, can we doubt of their connexion? If I see a fliclock pointed at a man, hear the discharge, see the man fall, I, on inspection, find a ball lodged in his body—can I doubt as to the cause of the death of the man, because I could not see the ball pass from the muzzle to the man? Must we see things, in their nature invisible, before we believe? The PRESIDENT has been present at the scene of insurrection; we have his testimony on the subject, and other official communications are not wanting. We have the pointed testimony of the member from Pennsylvania, [Mr. SCOTT,] who was an eye-witness. He tells us that the club there directed the insurrection; that the same men were leaders in the club and in the field; and that they corresponded with other clubs. The gentleman from Virginia, last alluded to, has said that discontent and disturbance existed there prior to the establishment of clubs. But, does it follow from this that their measures, when established, did not increase the evil, and, by deceiving the malcontents as to the principles and conduct of the Government, and the disposition of the people, encourage them to take arms? The clubs declared they spoke the opinion of the people, and the deluded insurgents believed them. The same gentleman has said that the PRESIDENT addresses the public, and not us, on this subject, and therefore does not expect an answer. Why, sir, shall not we join in the Address, if it be true and useful? The Senate have done it; if we do not, we seem to contradict it. If we do not, we create a dangerous disagreement between the different branches of Government, distract the public mind, and encourage disorders.

If the member from Pennsylvania is to be credited, (and no man will dispute his testimony,) the clubs are more criminal than the deluded insurgents; yet we have censured the latter without reserve. Why, sir, has the gentleman from Virginia [Mr. GILES] criminated so severely our zeal on this question? Why has he condemned the oratory it has excited, when he often gives us such handsome specimens of it? If liberty and our country are in danger, it is treason to be cold. From the gentleman's censures on the loose reasoning and warmth in favor of the amendment, we were led to expect from him the most dispassionate demonstration; yet the gentleman appeared, in some of his reasoning, more ingenious than solid; it was too fine-spun to be strong. The strength of his understanding, like the intense heat of the sun, produced a vapor to obscure its own effulgence. One plain distinction is an answer to most of the reasoning of this gentleman and his colleagues. We do not contend for controlling, or even animadverting, on the rights of opinion, or of publishing opinions. We wish only to call the attention of the public to the abuses of those rights, and the crimes such abuses have produced, (which endanger the existence of those very rights, and liberty in general,) in order that the people, knowing the evil, may themselves correct it.

Mr. NICHOLAS, after a short apology for speak-

ing again, observed, the gentleman who amused the House yesterday, and the gentleman who just sat down, have so far fallen short of their object, that he should be pardoned in taking a review of the subject. The gentlemen have adopted this mode: they first propose a question, and from a comparison of the mischiefs arising on the different decisions, urge a right to decide, when no such right is contended to exist. What is the evidence on which we are to decide? the testimony of the gentleman from Pennsylvania? He refers to one society only. Adverting to the Address, Mr. N. expressed his surprise that so much aid had been drawn from that quarter. He respected the PRESIDENT—he believed his declarations; but this imposed no obligation to add his own. Noticing Mr. DEXTER's remarks on the abuse of the liberty of the press, he adverted to the publications of the Democratic societies; if they are so false as is pretended, they will defeat themselves. He noticed the concession which had been made, that societies for political information are legal, and may be useful: taking this for granted, he insisted that they had a right to censure as well as to inform; for, without this right, the concession amounts to nothing. He noticed the argument that the censure being general, does not amount to individual censure. If it is not general and individual censure both, the argument in favor of the general proposition is of no use, and is nugatory. He noticed the assertion of Mr. DEXTER, that the House had a right to legislate in this case. Mr. N. remarked, that by this mode the House precluded the regular course of legislation, by a single vote, at the commencement of the session. We are called upon to support the PRESIDENT: but what are we to support—his actions or his opinions? The Constitution does not depend on the PRESIDENT; but the PRESIDENT has only stated an opinion to the people, and leaves it to them to reflect on it. He lamented that the PRESIDENT's weight and influence was brought so often into debate. He had heard it said it was part of a system: he wished it might not be injurious to him or to the Government.

Mr. MONTGOMERY was of opinion that Mr. DEXTER, and some members on that side of the question, had laid much stress upon a very insignificant sort of argument. You must vote this way or that way, because, if you do not, the citizens of the United States will imagine that the whole House of Representatives are in favor of Democratic societies. One gentleman [Mr. ADAMS] had told us that Fame, or Calumny, with one hundred, or one hundred thousand tongues, was flying over every Post Road on the Continent, and proclaiming that forty-five or forty-seven members of Congress were in favor of Democratic societies. It had likewise been alleged, that if the amendment could be carried, the people would consider the whole weight of the House of Representatives against the societies. Mr. M. considered this reasoning as entirely chimerical. The people knew, by this time, as well as the House itself did, that they were divided by a majority of one or two, and, which ever party gained the victory, the peo-

NOVEMBER, 1794.]

President's Speech.

[H. OF R.]

ple would pay as much respect to the votes of forty-five members on one side, as of forty-seven on the other. The trifling difference of two or three votes would make no impression whatever, in forming the sentiments of the public.

Did gentlemen imagine that the PRESIDENT, admitting that he was in any way interested in their decision, could feel any great satisfaction in a majority of forty-seven against forty-six? Or was the weight of the forty-six members to be destroyed, with the public, merely because they were outvoted by such a narrow majority? If the amendment was voted at all, it would be in this way; and he could not possibly see what advantage any party was to reap from having such a majority. The people at large know, as well as the House, the state of the votes on the amendment; and at any rate, they will judge for themselves. He wished the thing to fall asleep; and, as the most peaceable way to get rid of it, he should, if seconded, move the previous question.

Several gentlemen rose to second the motion. Mr. SEDGWICK and Mr. DAYTON declared that it was out of order. It would bring the House into such a dilemma, that they could not get forward with the business either one way or another.

After some dispute, this point of form was referred to the SPEAKER. He declared that the motion for the previous question was in order, the question being on the amendment. This opinion was overruled by the House. The House was then going to divide, when—

Mr. CARRS rose.—He was entirely against the amendment. It denounced vengeance against all societies: this was extremely unjust. It would be better for the House to speak out like men, and name the culprits. Let a committee be appointed, if it must take notice of the affair, and let them inquire and report what was the real cause of the late insurrection. Mr. C. gave an instance of a Democratic society that turned out as volunteers against the rioters. Do we think, (said Mr. C.,) that the PRESIDENT interests himself in our Address? Sir, the PRESIDENT is not to be amused with trifles. He is not to be tickled with the turn of a paragraph. What! are we to answer a line and a half of a Speech, with a vote that strikes at the soul of all society? Are we to point the finger of execration indiscriminately? What will be the effect, sir, of this conduct? A gentleman [Mr. SEDGWICK] told you the other day, that Democratic societies had produced the insurrections; but when, in the course of his observations, he became a little more animated, he told us that a foreign Envoy, *Genet*, had been the cause of all this mischief. If this be true, the Democratic societies are innocent. Sir, by this amendment you would prevent the freedom of speech, and lock the mouths of men. They are not to censure the measures of Government, and then bad men may do what they please with it. I hope, sir, that the day will never come, when the people of America shall not have leave to assemble, and speak their mind. It is acknowledged that this affair is not an object of Judicial cognizance. This overstraining always defeats its own pur-

pose. The trial of Muir, and others, on flimsy grounds, have done more service to the cause of their party than if they had received a reinforcement of five thousand fighting men.

As to the comparison between this matter and St. Clair's failure, there was no sort of similarity or correspondence between them. In that case, the House had employed servants, and was entitled to look into their conduct. The present amendment, on the contrary, holds up no determinate object, and has ill-nature and asperity on the very face of it. When the PRESIDENT in his Speech, mentioned the self-created societies, he did not address himself to the House of Representatives but to the people at large. But if it was to become the rule, in framing a reply, to make it an exact echo of the Speech itself—if there was no necessity for exercising our judgments, he considered the House as losing time. It would be much better to take the Speech at once, turn the other end uppermost, and send it back to the PRESIDENT as fast as possible. As to this all-powerful resolution, which was to go into those dark cells of which the House had been told, it would be much better to give the gentleman [Mr. W. SMITH] a blacking-brush, and send him into them to mark out the guilty. The House would then know how to proceed.

Mr. C. objected to Mr. DEXTER's comparison, of a man shot dead by a ball. He wanted the gentleman to show him the bullet; or, in plain terms, to show him a letter from the Democratic societies of New York or Philadelphia, addressed to the Western people, and exciting them to insurrection; but as the gentleman could show him no such thing, Mr. C. utterly denied the propriety of the parallel.

Mr. W. SMITH thought it somewhat strange that, at this time of day, members should be calling for facts, when these are so well known to all the House. He then read a set of resolutions, dated 8th of May last, adopted and published by the Democratic society of Philadelphia. These resolutions condemned, in the most unqualified terms, the appointment of John Jay as Minister from the United States to the Court of London, because they say he had formerly declared that the British were entitled to keep the Western posts, and because it was contrary to the Constitution to appoint a Judge to a diplomatic station. The strongest censure was likewise cast upon the Executive, for having made such an appointment. These resolutions were circular, and voted to be sent to all the Democratic societies in the United States.

Mr. S. next observed, that individual Legislatures in the Union had passed votes of censure on this House; and he did not see, by a parity of reasoning, why the House might not also pass votes of censure. Mr. S. said, that there had been a great change of sentiments of some members of that House. About two years ago, the House of Representatives had determined, by thirty-five votes against sixteen, to pass an opinion on the new Constitution of France; and the gentlemen who had then exercised the right, now denied that

H. OF R.]

President's Speech.

[NOVEMBER, 1794.]

the House had it. Mr. S. concluded by saying, that the PRESIDENT had denounced the Democratic societies, and they had denounced him.

Mr. GILES rose and said, that the charge of inconsistency rested with the member last up; who, in the case referred to, had asserted that the House had no right to pass a vote of opinion, yet, on the present question insisted that they had. Mr. G. was one of the thirty-five who voted for an exercise of opinion, but this was only for returning a civil answer to a civil letter from the Republic of France. The gentlemen who gave that vote for an answer, knew that they were not to give an opinion where they could not legislate. There was, therefore, no inconsistency on the part of these members, but with the gentleman from South Carolina. Mr. G. informed the House of his having this moment learned, that in the army, in the Western counties, there was nothing talked of but overturning Democratic societies. Nobody could tell where this matter might end.

Mr. W. SMITH, in reply to Mr. GILES cleared himself from any inconsistency in the case alluded to, by asserting that he had not denied the right of the House, but the propriety of the exercise of it. He had disapproved of the House giving an opinion of the merits or demerits of the French Constitution, which, as France was in a revolutionary state, was liable to frequent change; and the event had justified him, for the House had scarce passed the vote which extolled that Constitution as a model of wisdom and magnanimity, when the French themselves denounced it, as inconsistent with their rights and liberties. But the gentleman from Virginia was undoubtedly inconsistent, for he had, on that occasion, contended for the right of the House to give its opinion, and that in a case where the answer was to be given to the Sovereign of a foreign nation, respecting the affairs and policy of a foreign country. If the House were right on that occasion, *a fortiori*, ought they now, when called on by our Chief Magistrate, to give an opinion at an important crisis respecting the affairs of our own country?

The question was then put, Shall the words "self-created societies and" be replaced in the amendment of Mr. FITZSIMONS? This was carried by a majority of forty-seven against forty-five. The yeas and nays were taken on this question, and were as follow:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Vans Murray, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

NAYS.—Theodorus Bailey, Abraham Baldwin, Tho-

mas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, Henry Dearborn, George Dent, Gabriel Duval, William Findley, William B. Giles, James Gillespie, Christopher Greenup, Andrew Gregg, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Joseph Winston.

Another motion was then made by Mr. CHRISTIE, further to amend the said clause by inserting, after the words "combinations of men," the words "in the four Western counties of Pennsylvania, and parts adjacent:"

And, on the question thereupon, it was resolved in the affirmative, the House being equally divided, to wit: yeas 46, nays 46.

The SPEAKER declaring himself with the yeas.

The yeas and nays, as demanded by one-fifth of the members present, were as follow:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Gabriel Duval, William Findley, William B. Giles, James Gillespie, Christopher Greenup, Andrew Gregg, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William B. Grove, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Vans Murray, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

Another motion was then made, by Mr. SMITH, of South Carolina, further to amend the said clause, by inserting, after the word "adjacent," in the amendment last agreed to, the words "countenanced by self-created societies elsewhere:"

And, on the question thereupon, it passed in the negative—yeas 42, nays 50, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter,

NOVEMBER, 1794.]

Address to the President.

[H. OF R.]

Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Vans Murray, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Artemas Ward, John Watts, and Paine Wiegate.

YAYS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Gabriel Duvall, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, John S. Sherburne, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Joseph Winston.

And then the main question being put, that the House do agree to the said clause, amended to read as followeth:

"In tracing the origin and progress of the insurrection, we can ascertain no doubt that certain self-created societies and combinations of men in the four Western counties of Pennsylvania, and parts adjacent, careless of consequences, and disregarding the truth, by disseminating suspicions, jealousies, and accusations of the Government, have had all the agency you ascribe to them, in fomenting this daring outrage against social order and the authority of the laws."

It passed in the negative, nineteen members only rising in the affirmative.

An adjournment was then called for, and carried.

FRIDAY, November 28.

A petition of a number of Germans, residing in the county of Augusta, in the State of Virginia, was presented to the House and read, stating the inconveniences to which they are subjected, from an entire ignorance of the English language, and praying that a certain portion of the laws of the United States may be printed in the German language. Laid on the table.

A bill for the relief of John R. Livingston was read the second time, and ordered to be committed to a Committee of the Whole House on Monday next.

ADDRESS TO THE PRESIDENT.

The House resumed the consideration of the amendments reported on Tuesday last, from the Committee of the Whole House to whom was referred the Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; whereupon,

The second amendment reported by the Committee of the Whole House, being again read at

the Clerk's table, was, on the question put thereupon, agreed to by the House.

A motion was then made and seconded further to amend the said Address, by inserting, after the word "insurrection," in the first paragraph, the following clause:

"And we learn, with the greatest concern, that any misrepresentations whatever, of the Government and its proceedings, either by individuals or combinations of men, should have been made, and so far credited, as to foment the flagrant outrage which has been committed on the laws."

Mr. TRACY said, that he should vote for this amendment, if the gentleman [Mr. NICHOLAS] would insert between the words "been" and "so far credited" the addition of *made and*. This would make the whole read better.

[The additional words were immediately inserted by Mr. NICHOLAS.]

Mr. McDOWELL said, that twenty-five days of the session were now elapsed, and he was at a loss to know what the House had been doing. This was a very serious matter, and must give real concern to every friend of the country.

Mr. HILLHOUSE proposed to refer the whole subject back to the committee, to draw up a new Address, such as would suit the sentiments of both parties in a middle course.

Mr. HEATH declared himself heartily tired of the discussion, which tended only to revive odious distinctions. He wished to adopt the motion for referring back again to the committee. He had felt extreme uneasiness during the whole time of these debates, at the nature of them.

Mr. BALDWIN felt a very mortifying impression at having been, this week, a witness to such trifling as had taken place in the House. We have spent four days in drawing up an Address, and are now just about where we set out. While the most extraordinary events which the world ever saw are passing, we cannot get at the papers on the table, to see how far we are concerned in these events, on account of so small a matter. He would agree to nothing but what would decide the point instantaneously.

Mr. McDOWELL thought that it would be very odd to be sending this matter back to a committee. In the interim, we proceed to dispatch the business recommended in the Speech, and about the end of the session we come forward with an Address, telling the PRESIDENT that we are going to take his Speech into consideration. The affair would have a very odd appearance on the Journal of the House.

Mr. NICHOLAS said that it was well known to be the practice to refer such a thing back to the former committee. These gentlemen, three in number, had all declared their sentiments. Two were for the vote of censure, and a third against it. They would, no doubt, continue in the same mind. The one member [Mr. MADISON] would be out-voted. The substance of the amendment, rejected after so long a struggle, would be put in again, and the whole be to commence anew. He had no other design in his amendment than to conciliate. He assured the members on the other

H. OF R.]

Address to the President.

[NOVEMBER, 1794.]

side of the question, that he never would consent to a recommitment.

Mr. DAYTON said, that the member from Virginia had talked of conciliation. "Give me all my own way, and we shall have no debate." Who began the number of amendments this morning? Was it not that gentleman? And if he comes out with his amendments, are not other members to be at equal liberty of bringing up theirs? Mr. D. did not believe that there would have been a single motion of that kind this morning, if the gentleman itself had not begun it. "Come," says he, "let us *conciliate*. You shall all do just as I please, and *we shall all agree!*" Mr. D. was for the recommitment to a committee.

Mr. AMES gave much credit to Mr. NICHOLAS for his amendment, which, he doubted not, was proposed with the best intentions. He was quite tired, if not ashamed, of the debate. Two divisions in the House, each consisting of forty-six, gave the world but a bad prospect of our conciliation and unanimity through the rest of the session.

Mr. RUTHERFORD was against the commitment. What would our common parent (the PRESIDENT) say, if he saw us thus drawn into the tenter-hooks of party?

The question was taken on recommitting the Address, and negatived—yeas 43, nays 48.

The motion of Mr. NICHOLAS was then put.

Mr. MURRAY wanted the word "societies" inserted.

Mr. GOODHUM imagined that it was no matter whether or not, combinations of men are undoubtedly societies.

Mr. NICHOLAS would consider the adoption of the word "societies," as a signal of victory to the gentlemen on the other side of the question. He therefore would not consent to its admission.

Mr. TRACY had promised to vote for the motion as it stood. But he should declare to his learned friend from Maryland, and to the Whole House, that, by "combinations of men," (the words in the amendment of Mr. NICHOLAS,) he understood the Democratic societies.

The amendment of Mr. NICHOLAS was carried by a large majority.

The Address, as amended, was then read throughout at the Clerk's table, as follows:

STR: The House of Representatives, calling to mind the blessings enjoyed by the people of the United States, and especially the happiness of living under constitutions and laws which rest on their authority alone, could not learn, with other emotions than those you have expressed, that any part of our fellow citizens should have shown themselves capable of an insurrection. And we learn, with the greatest concern, that any misrepresentations whatever, of the Government and its proceedings, either by individuals or combinations of men, should have been made, and so far credited as to foment the flagrant outrage which has been committed on the laws. We feel, with you, the deepest regret at so painful an occurrence in the annals of our country. As men regardful of the tender interests of humanity, we look with grief at scenes which might have stained our land with civil blood. As lovers of public order, we lament that it has suffered so flagrant a violation; as zealous friends of Republican Government, we deplore

every occasion which, in the hands of its enemies, may be turned into a calumny against it.

This aspect of the crisis, however, is happily not the only one which it presents. There is another, which yields all the consolations which you have drawn from it. It has demonstrated to the cauld world, as well as to the American People themselves, that the great body of them, every where, are equally attached to the luminous and vital principle of our Constitution, which enjoins that the will of the majority shall prevail; that they understand the indissoluble union between true liberty and regular Government; that they feel their duties no less than they are watchful over their rights, that they will be as ready, at all times, to crush licentiousness, as they have been to defeat usurpation: in a word, that they are capable of carrying into execution that noble plan of self-government which they have chosen, as the guarantee of their own happiness, and the asylum for that of all, from every clime, who may wish to unite their destiny with ours.

These are the just inferences flowing from the promptitude with which the summons to the standard of the laws has been obeyed; and from the sentiments which have been witnessed, in every description of citizens, in every quarter of the Union. The spectacle, therefore, when viewed in its true light, may well be affirmed to display, in equal lustre, the virtues of the American character, and the value of Republican Government. All must particularly acknowledge and applaud the patriotism of that portion of citizens who have freely sacrificed every thing less dear than the love of their country, to the meritorious task of defending its happiness.

In the part which you have yourself borne through this delicate and distressing period, we trace the additional proofs it has afforded of your solicitude for the public good. Your laudable and successful endeavors to render lenity in executing the laws conducive to their real energy, and to convert tumult into order, without the effusion of blood, form a particular title to the confidence and praise of your constituents. In all that may be found necessary, on our part, to complete this benevolent purpose, and to secure the ministers and friends of the laws against the remains of danger, our due co-operation will be afforded.

The other subjects which you have recommended, or communicated, and of which several are peculiarly interesting, will all receive the attention which they demand. We are deeply impressed with the importance of an effectual organization of the militia. We rejoice at the intelligence of the advance and success of the army under the command of General Wayne, whether we regard it as a proof of the perseverance, prowess, and superiority of our troops, or as a happy presage to our military operations against the hostile Indians, and as a probable prelude to the establishment of a lasting peace, upon terms of candor, equity, and good neighborhood. We receive it with the greatest pleasure, as it increases the probability of sooner restoring a part of the public resources to the desirable object of reducing the public debt.

We shall, on this, as on all occasions, be disposed to adopt any measure which may advance the safety and prosperity of our country. In nothing can we more cordially unite with you, than in imploring the Supreme Ruler of Nations, to multiply His blessings on these United States; to guard our free and happy Constitution against every machination and danger; and to make it the best source of public happiness, by verifying its character of being the best safeguard of human rights.

DECEMBER, 1794.]

Address to the President.

[H. OF R.]

Resolved, That Mr. SPEAKER, attended by the House, do present the said Address; and that Mr. MADISON, Mr. SEDGWICK, and Mr. SCOTT, be a committee to wait on the PRESIDENT, to know when and where it will be convenient for him to receive the same.

Mr. GILES, from the committee appointed, presented a bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes; which was read twice and committed.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of receipts and expenditures of public moneys, from the 1st of April to the 30th of June, 1794; also, his account of payments and receipts for the War Department, from the 1st of July to the 30th of September, 1794, inclusive; which were read, and ordered to lie on the table.

Mr. MADISON, from the committee appointed to wait on the PRESIDENT OF THE UNITED STATES, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress, reported that the committee had waited on the PRESIDENT, who signified to them that it would be convenient to him to receive the said Address at twelve o'clock to-morrow, at his own house.

Ordered, That the report of the committee to whom was referred the report of the Secretary of the Treasury on the petition of George Blanchard, in behalf of Edward Blanchard, which was made to this House on the 14th of May last, be committed to a Committee of the Whole House on Monday next.

The House resumed the reading of the papers communicated by Message from the PRESIDENT OF THE UNITED STATES, on the 20th instant, and made a farther progress therein.

SATURDAY, November 29.

The SPEAKER laid before the House a letter from Arthur St. Clair, Major General and Commander-in-Chief of the expedition carried on against the Western Indians, in the year 1791, requesting a speedy decision on the report of the committee appointed to inquire into the causes of the failure of the said expedition; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to report whether any, and what, alterations are necessary in the act, entitled "An act concerning the registering and recording of ships or vessels." Also, in the act, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same." Also, in the act, entitled "An act to regulate the collection of the duties imposed by law, on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

And a committee was appointed, of Mr. Good-

HUE, Mr. COIT, Mr. BENJAMIN BOURNE, Mr. FITZSIMONS, and Mr. PARKER.

The SPEAKER, attended by the House, then withdrew to the house of the PRESIDENT OF THE UNITED STATES, and there presented to him the Address of this House, in answer to his Speech to both Houses of Congress; to which the PRESIDENT made the following reply:

Gentlemen: I anticipated, with confidence, the concurrence of the House of Representatives in the regret produced by the insurrection. Every effort ought to be used to discountenance what has contributed to foment it; and thus discourage a repetition of like attempts. For, notwithstanding the consolations which may be drawn from the issue of this event, it is far better that the artful approaches to such a situation of things should be checked by the vigilant and duly admonished patriotism of our fellow-citizens, than that the evil should increase until it becomes necessary to crush it by the strength of their arms.

I am happy that the part which I have myself borne on this occasion receives the approbation of your House. For the discharge of a Constitutional duty, it is a sufficient reward to me to be assured that you will unite in consummating what remains to be done.

I feel, also, great satisfaction in learning that the other subjects which I have communicated or recommended, will meet with due attention; that you are deeply impressed with the importance of an effectual organization of the Militia; and that the advance and success of the army under the command of General Wayne is regarded by you, no less than myself, as a proof of the perseverance, prowess, and superiority of our troops. G. WASHINGTON.

The SPEAKER laid before the House a Report from the Secretary of War, respecting the fortifications of the United States, made pursuant to the resolution of this House of the 21st instant; which was read, and ordered to be referred to Mr. FITZSIMONS, Mr. GOODHUE, Mr. BOUNDINOT, Mr. MALBONE, and Mr. MACON, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

MONDAY, December 1.

The House resolved itself into a Committee of the Whole House on the bill for the relief of John R. Livingston; and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from farther proceeding in the said bill, and that it be committed to the Committee of Claims.

A petition of sundry inhabitants, living between the lines commonly called Walker's and Henderson's lines, whose names are thereunto subscribed, was presented to the House and read, praying that the line known by the name of Walker's line, may be established by Congress, as the boundary between the States of Virginia and North Carolina.

Ordered, That the said petition be referred to Mr. PRESTON, Mr. WINSTON, and Mr. PICKENS; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That the petition of a number of Germans, residing in the county of Augusta, in the State of Virginia, which lay on the table, be referred to the committee last appointed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of Moses Myers; and, after some time spent therein, the Committee rose and reported progress.

PROMULGATION OF THE LAWS.

Mr. MOORE made a motion that a committee should be appointed to report a method for the more regular and effectual promulgation of the laws of the United States.

Mr. BALDWIN rose and observed, that in a country so extensive as America, and where the people are so widely scattered, it was a work of immense difficulty to have a regular and accurate account of the measures of Government communicated through every part of the Union. The importance of this object was equal to its difficulty. At the present time Government is a subject of such general agitation in those parts of the world with which we are most acquainted, and connected, that the opinions and passions of men are there in a state of high fermentation. This country has a share of it, and, upon the common principles of human nature, that is unavoidable. Circumstances have, on this occasion, given to the American Government a kind of importance which, from a comparison of ourselves to the rest of the world, we should not have presumed to arrogate. Legislation is in its nature a practical subject, and all men of sense and observation, in their reasonings upon it, give great weight to experience. One single fact is, in their view, more important than whole volumes of ingenious theory and declamation. As we regard the happiness of our country, and as we regard the success of this kind of Government, which has the rights and happiness of men for its object, we ought to do all in our power to guard against the dangers to which it is exposed, and to cultivate it to the highest possible perfection. Mr. B. considered this country as imminently exposed on two quarters. One of these was the love of power in overbearing individuals, which will for ever stimulate them to sacrifice the rights and happiness of others to their own raging passion. On the other hand, there may arise a jealous and groundless apprehension of this passion, where it does not exist, which goes to the destruction of all confidence in those who are in public trust, and which defeats all their efforts for the public good. It was not material to determine which of these was most likely to be the source of frequent and formidable danger. It is not improbable that the one or the other will be found by experience to predominate at different times, from the accidents which bring different men into place. Reverting to the motion just now made, Mr. B. observed, that if the people are properly informed, and do their duty, it will be easy to guard against both these evils. That there will be ambitious men, even in this age, and in this country, there can be no doubt,

nor that ambition will here practice its old efforts. To pretend that this age or country will be exempted, is at best a mark of ignorance or folly. The love of power is one of the first and strongest passions in the human breast. The talents which vindicate their way to the first place in Government, are most frequently accompanied with a proportionable share of ambition. This is equally the case in limited Governments as in others. Perhaps it will even be found to be more so. The greater the limitations, the more restive and uneasy will be the passion. The shorter the chain which limits their indulgence, the more will it be quarrelled with. Our Government is not founded on an idea that this disposition does not exist, but it guards against its ill effects. If proper attention is paid to preserve, as far as possible, the exact distribution of powers between the Federal and State Governments, and between the different departments and officers of Government; and if the conduct of public functionaries be surrounded with light, there is great reason to hope that they will keep each other in their proper places, and that, for a long time to come, the public happiness will be secured.

Mr. B. then spoke of the second description of persons before mentioned, and from whom he said much danger and trouble might be expected in all free Governments. They were always grumbling and finding fault with public men and public measures. Like the former, these people are also commonly actuated by ambition, and frequently by that of the most dangerous and blackest kind. No measures were so good, and no men so honest, as to escape their attack, yet they never applied any remedy. Follow them throughout their whole lives, and you find few instances of any good which they have done. A conscious inferiority of character prevents them from seeking openly places of the first confidence, till they have, by their poison in the dark, destroyed those whom their fellow-citizens had always considered as their superiors in wisdom and honesty. They do not hesitate to destroy the peace of society, and destroy the happiness of a whole community, to get into office themselves, and to indulge their ambition. It cannot be too much regretted, that such a shameful course should, from the fears and ignorance of society, become so much a high road to places of office and trust. People would not suffer such things were it not that they are so much in the dark. For that reason, these men are always most at work, and do most mischief in the darkest corners. Those whose eyes are weak, or who sit in bad light, are most easily made to see spectres and goblins, and in their most hideous forms.

The only cure against these mischiefs is to pour in light into every corner of the country. Let all the measures of the Government be accompanied by a blaze of day, and like the birds of night these animals are dislodged. They cannot bear the light.

It can scarcely be conceived by those who have no calls to visit the interior and more retired parts of the country, how much the peace of our society is disturbed by the malicious propagation of poli-

DECEMBER, 1791.]

Promulgation of the Laws.

[H. of R.]

tical falsehood. The most wicked lies are kept in circulation, for months together, and before they can be effectually contradicted, the people have almost become frantic. For example, Mr. B. mentioned, that it had been asserted that a poll-tax of forty shillings per head had been laid on all the inhabitants, that the excise has been extended to wheat, to looms, and to the implements of husbandry, and that the late drafts of the eighty thousand militia are sold to France to carry on the war! It is probable that riots and insurrections are fomented by these rumors more than by all other causes. If a constant and regular publication of all that is done could be made to reach every part of the United States, it would be an effectual, and, perhaps, the only cure of these mischiefs. The people of this extensive country have, for these ten years, enjoyed all the essential benefits of society, on very easy terms. A man with five or six hundred acres of land is scarcely called upon for a dollar of taxes in a year. Perhaps no people on earth ever enjoyed so fully the benefits of society with so few burdens. Is it not a distressing consideration, that when we have so few real evils, we should create to ourselves imaginary ones, that give us so much useless uneasiness? Some wrong measures have taken place, and hereafter will take place, and nobody can expect that any kind of measures will give universal satisfaction. This would be to expect that the Government should be perfect and the people perfect. There is reason to hope that the Government will become more wise and cautious from experience, and that fewer of their measures will be obnoxious. But we need only to know our condition, and to be able to compare it to that of the rest of the world, to feel happy, and to do all in our power not to disgrace in the outset, the fair experiment in Government which this country has already so strongly recommended to the rest of the world. Mr. B. was persuaded that the more public measures were understood, the more this would be a common sentiment. He concluded by recommending some further and more extensive provision on the subject contemplated in the motion under consideration.

Ordered, That a committee be appointed to report what further provisions are necessary for the general promulgation of the Laws of the United States.

And a committee was appointed, of Mr. MOORE, Mr. BALDWIN, and Mr. HEISTER.

Mr. PARKER made a report from the select committee appointed to take into consideration that part of the PRESIDENT'S Speech which recommended opening a trade with the Indians.

The committee were of opinion that the plan suggested might be carried into execution for an expense of an hundred thousand dollars. The matter was referred to a Committee of the Whole House on Thursday next.

Mr. GILES then moved to go into a Committee of the Whole House on the bill to regulate the pay of the non-commissioned officers, musicians, and privates of the militia, when called into the actual service of the United States.

The House accordingly went into a Committee of the Whole.

In the course of the discussion, Mr. HILLHOUSE having spoken for some time, Mr. DAYTON rose next. He began by remarking that it was not to be expected that he was to make any observations on what had been said by the member just sat down, as he did not hear ten words that the gentleman said. This was owing to noise in the House.

The Committee, after some time, rose, the Chairman reported progress, and the House adjourned.

TUESDAY, December 2.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating his intention of resigning his office on the last day of January next, and which he now communicates, in order that an opportunity may be given, previous to that event, to institute any further proceedings which may be contemplated, if any there be, in consequence of the inquiry during the last session, into the state of the Treasury Department; which was read, and ordered to lie on the table.

A memorial of the Legislative Council and House of Representatives of the Territory of the United States South of the river Ohio, was presented to the House and read, praying that such further measures may be adopted for the effectual protection and preservation of the people of the said Territory, against the hostile incursions of the Indian tribes, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be committed to a Committee of the Whole House on Friday next.

Mr. BOUDINOT, from the committee appointed to examine the Journal of the last session, and to report therefrom, all such matters of business as were then depending and undetermined; and, also, to examine and report such laws of the United States, as have expired, or will expire before the next session, made a further report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes; and, after some time spent therein, the Committee rose and reported progress.

The House resumed the reading of the papers communicated by the Message from the PRESIDENT, on the 20th ultimo, and went through the same.

WEDNESDAY, December 3.

On a motion made and seconded that the House do come to the following resolution:

"Resolved, That provision be made by law, for compensating the sufferers by the depredations of the insurgent in the Western counties of Pennsylvania."

Ordered, That the said motion be committed to a Committee of the Whole House to-morrow.

H. OF R.]

Thanks to General Wayne.

[DECEMBER, 1794.]

The following Message was received from the
PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate, and
of the House of Representatives :*

I transmit to you an official statement of the expenditure, to the thirtieth of September last, from the sums heretofore granted to defray the contingent expenses of Government, by acts passed the twenty-sixth day of March, one thousand seven hundred and ninety, and the ninth of June, one thousand seven hundred and ninety-four.

G. WASHINGTON.

UNITED STATES, December 3, 1794.

The said Message and statement were read and ordered to lie.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the report of the Secretary of the Treasury on the petition of George Blanchard, in behalf of Edward Blanchard; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows :

Resolved, That the accounting officers of the Treasury be, and they are hereby, authorized to audit and pass the account of the late Edward Blanchard, deceased, according to the course of Treasury settlement.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. AMES, Mr. WINGARE, and Mr. GLENN, do prepare and bring in the same.

The House proceeded to consider the report of the committee to whom were referred the reports of the Secretary of War, of the seventeenth of March last, on sixty petitions; whereupon,

Resolved, That Caleb Worley be placed on the list of pensioners, pursuant to the report of the Secretary of War.

Resolved, That Charles Fierer, from the peculiar circumstances attending his case, be also placed on the list of pensioners, and that he be allowed the half-pay of Captain.

Ordered, That the said resolutions be committed to the Committee of Claims, with instruction to prepare and bring in a bill or bills, pursuant thereto.

Ordered, That the reports of the Secretary of War on the several petitions of John Beunet, and Abraham Sutton, of John Lachman, and of Half-field White, which were made to this House, on the seventeenth of March last, be referred to the Committee of Claims.

Ordered, That the report of the committee on the memorial of Joseph Hull, which was made on the twenty-second of April last, be also referred to the Committee of Claims.

The House resolved itself into a Committee of the Whole House on the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes;

and, after some time spent therein, the Committee rose and reported progress.

THANKS TO GENERAL WAYNE.

Mr. SMITH, of South Carolina, moved three resolutions of thanks, one to General Wayne, a second to the officers and soldiers of the legion, and a third to General Scott and the volunteers under his command. Mr. S. observed that the House had not, on their Journals, any vote of this nature. The American Armies in the Westward had, since the establishment of the new Constitution, been, till lately, rather unsuccessful. He did not wish to make the thanks of the House too cheap; but, at the same time, he thought this a proper opportunity to bestow them. He made the present motion with the more readiness and pleasure, because he had once had occasion to make a motion that ended in General Wayne being obliged to quit his seat in that House.

The resolution was read by the Clerk.

Mr. GILES was sensible of the high merit of the officer and his troops; but the House assemble to legislate, not to give opinion. He wished that this measure might be deliberately weighed, as it might tend to consequences not yet foreseen, to go into a practice of this kind. He wished the House to go into a Committee on the subject.

Mr. SMITH vindicated the propriety of the resolutions. He adverted to the vote of opinion in the case of the French Constitution, and also on the death of Dr. FRANKLIN, which last, Mr. S. said, was like offering a vote of thanks to the dead.

Mr. SHERBURNE thought, that by delaying to press the resolutions, at present, it was more likely that they would pass with unanimity.

Mr. DEARBORN was willing to vote in general, but he could not vote for any particular thanks to General Wayne, on account of his attention to the discipline of the troops, because the member did not know anything particular of it. He wished the thing to be done promptly, or it would lose much of its merit.

Mr. SMITH withdrew the resolutions, and gave notice that he should bring them forward again to-morrow.

Mr. MURRAY moved a vote of thanks to the militia who have been lately called out in support of the laws of the United States. This was laid on the table till to-morrow.

A resolution respecting compensation to the individuals who have been personal sufferers in the late insurrection was called up, and, being read, was referred to the Committee of the Whole House to-morrow.

THURSDAY, December 4.

Mr. BEATTY, from the committee appointed, presented a bill for the relief of Peter Covenhoven; which was read twice, and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for the relief of sick or disabled seamen; and that Mr. VENABLE, Mr. WINGARE, Mr. COBB, Mr. KITTERA, and Mr. CARNES, be the said committee.

DECEMBER, 1794.]

Thanks to General Wayne.

[H. OF R.]

Mr. FITZSIMONS, from the committee to whom was referred the Report of the Secretary of War, respecting the Fortifications of the United States, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The House again resolved itself into a Committee of the Whole House, on the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes; and, after some time spent therein the Committee rose and reported progress.

THANKS TO GENERAL WAYNE.

Mr. W. SMITH wished to make his promised motion, which he prefaced by observing that he had varied it at the request of several gentlemen. In the original motion, he had particularly noticed the diligence of the General in disciplining his army to the nature of the service in which they were engaged, and his fortitude and perseverance in encountering the difficulties which opposed his march through a wilderness.

Though he and many others were ready to acknowledge in the fullest manner the merits of the General in those important particulars, yet as they were not matters of general notoriety, and as unanimity on an occasion like the present was extremely desirable, he had now confined the motion to the brilliant action of the 20th August.

Mr. SMITH was ready to admit that there was no precedent on their Journals for a vote of thanks to the army; but it was not to be thence inferred that the measure was improper: unfortunately, no success had occurred since the establishment of the present Government which called for this testimony of public gratitude.

There were indeed on the Journals votes of thanks to the Speakers of the House, and there was a vote, on the death of Dr. Franklin, expressive of his services, both of which cases might be considered as bearing some analogy to the present, though not precisely similar.

Under the former Government innumerable circumstances might be quoted. With respect to the practice in itself, he had no doubt of its propriety. He considered this kind of remuneration as a just and merited reward for past services, and an honorable excitement to future exertions. Those who performed them were, in his opinion, entitled to the gratitude of their fellow citizens, which could be no otherwise publicly expressed than through their Constitutional organ, the Representatives of the people. When they had this claim, to withhold that public expression was to be unjust. Satisfied then, as he was, that General Wayne and the army under his command had deserved well of their country, had performed signal and splendid services, from which he anticipated very important advantages, he could not suppress this tribute of applause.

He was aware it might be said the House had already in their answer to the President's Speech bore ample testimony to the good conduct of the army, and that it was unnecessary to go farther;

but that was only a communication between the House and the President, and was not addressed to the army: a vote of thanks would be formally transmitted to the army; would be considered as an expression of the sensibility of the House, and would, he was persuaded, be highly gratifying to the gallant General and his brave army. Mr. SMITH said he felt a peculiar pleasure in making this motion, as he had on a former occasion found it his duty to make the motion which declared the vacancy of General Wayne's seat in the House, a circumstance which had given him considerable pain at the time, but which had proved a fortunate event, as an opportunity was thereby afforded the General of serving his country in the field.

Mr. SMITH concluded with saying, that as he had no doubt the services of the army had made the same impression on the House as they had on him, he trusted the motion he was about to make would be honored with an unanimous vote. He then moved the three resolutions, as follow:

Resolved, That the thanks of this House be given to Major General Wayne for the good conduct and bravery displayed by him in the action of the 20th August last with the Indians.

Resolved, unanimously, That the thanks of this House be given to the brave officers and soldiers of the legion under the orders of Major General Wayne, for their patience, fortitude, and bravery.

Resolved, That the thanks of this House be given to Major General Scott, and to the gallant mounted volunteers from the State of Kentucky, who have served their country in the field during the late campaign, under the orders of Major General Wayne, for their zeal, bravery, and good conduct.

Mr. GILES foresaw many bad consequences that might ensue from the practice of giving opinions of men. One part of the House might be for a vote of thanks, and the other against it. He should vote for the proposition, but wished that some mode might be adopted for expressing the general opinion of the House against the practice.

Mr. KITTERA was for restoring the clause respecting the vigilance of General Wayne in attending to the discipline of his troops.

Mr. HILLHOUSE hoped that the resolutions would not be adopted. He should go farther than the gentleman from Virginia [Mr. GILES] and vote against them. The House, in their Answer to the President, had expressed their approbation, and that was enough. It was not the business of that House, but of the Executive, to express such things. Mr. H. had voted most cordially for that part of the Address respecting the Western army. The answer to the Speech of the President would always afford a good opportunity of conveying these kind of matters. It would immediately become necessary to give thanks in every case; and not to give them will be regarded as an implied censure. He trusted that the gentleman would withdraw his motion, and that the House in this way would get rid of it. He had, and he repeated it again, a high sense of the merit of the officers and soldiers of

H. of R.]

Thanks to General Wayne.

[DECEMBER, 1794.]

the army under General Wayne, but he had said so already in the Address to the *PRESIDENT*. It had been urged, as a precedent for this measure, that it was usual to thank the Speaker. This was a mere ceremony. He wished that it had never come into practice, but since it had been so, he should always agree to the vote of thanks.

Mr. MURRAY thought that we might trust that the House would always have too much prudence to abuse their thanks, by giving them improperly. By way of precedent, Mr. M. read a vote of the State of Virginia, thanking Governor Lee for his conduct in the Western insurrection.

Mr. NICHOLAS approved highly of the conduct of the troops, but it was only an act of duty. If we send soldiers against the Indians, it is supposed that they will stand to their posts, otherwise the Government cannot be supported even for a month.

Mr. HILLHOUSE saw no business which the House had with the proceedings in the State of Virginia. It had been hinted that the army under General Wayne might feel disagreeably, if the resolution should be rejected. With that Mr. H. had no business. He acted on principles without regarding the feelings of individuals.

Mr. W. SMITH agreed with gentlemen that the principal object of the House was to legislate; but it did not follow that they were to be confined merely to legislation. Every Legislative body exercised the right of opinion in cases where no act was to follow. This House has frequently exercised it: the answers to the *PRESIDENT's* Speech; the answer to the King of the French on his acceptance of the Constitution of ninety-one; the opinion of the House on the merits of that Constitution; the vote respecting Benjamin Franklin; the vote of last session in reply to a letter from the Committee of Public Safety of France; the votes of thanks to the Speakers, were precedents on the Journals which refuted a contrary doctrine. It had been said that the latter case was a mere matter of form. Mr. S. thought differently, and if ever he was in that House when a vote of thanks should be proposed to a Speaker who had no claim to it, he should feel it his duty to oppose it. Gentlemen apprehended that this practice might lead to innumerable difficulties hereafter. But every House would exercise its judgment and discretion. Members would not be so rash as to propose the thanks of the House where serious opposition was expected, nor would the thanks be voted unless well merited. He was unwilling as any member to make the thanks of the House too cheap; but all must confess that if ever there was an occasion where they were properly called for, this was one. To deny the right or expediency of the practice was in fact to strip the House of one of its most agreeable functions, that of expressing its gratitude.

It had been advanced as an objection, that the two Houses might differ; one might vote thanks and the other censure, in the same case; but that might happen in other cases where the propriety of expressing an opinion was admitted; in answering the *PRESIDENT's* Speech in the State Le-

gisatures, where thanks were frequently voted, the two branches might differ: that was never deemed an objection to the practice; each House expressed its individual opinion.

Mr. SMITH said if the House had been sitting in September last when the account arrived of this victory, would the members have then felt as coldly as they now do? No; he was convinced that in the moment of joy and gratitude, they would have unanimously voted thanks to the army without the least hesitation; but they have since had time to cool, and the impression is worn away.

Gentlemen should consider the hard services of that army; how badly paid they were; the nature of the country they were in, and then determine whether the brilliant action of the 20th August is to go unrewarded? To appreciate truly the merits of that army in obtaining so signal a victory, let the House reflect on the consequences of a defeat: the army disbanded and broken up; the frontiers exposed to the ferocious savages; the combination of the tribes more cemented and formidable; an expensive, long, and bloody war. What is now our prospect? The frontiers protected; the combination of the tribes dissolved, and peace with them all a probable event.

Before, therefore, the motion which he had made could be got rid of, it was incumbent on the gentleman on the other side to show, either that it was improper in any case whatever to pass a vote of thanks, or that this was not a case entitled to them; to do the first they must establish, in the face of precedents innumerable, a doctrine destructive of one of the most amiable privileges of the House; to do the last, they must express a sentiment which would, he was persuaded, be repugnant to the sentiments of all their constituents, for throughout the United States there was but one opinion on this subject, and that was in unison with the motion. Having made the motion after due deliberation, he certainly should not withdraw it; but would submit it to the good sense of the House.

Mr. COIT moved the previous question. He thought the practice of dangerous consequence. It might produce much uncomfortable proceeding in that House. He was seconded by a number of members.

Mr. PARKER felt the highest esteem for the services of the Western army. He was intimate both with General Wayne and General Scott; but he disapproved of the practice upon principle. It was wrong in Mr. MURRAY to quote the proceedings in the Legislature of Virginia, where the Governor was in authority a mere cypher, because the two cases did not apply. The Federal Government was on a quite different footing, a mixture of monarchy, of aristocracy, and of democracy. The *PRESIDENT* represented the monarchical part. It was his business to give thanks, if requisite. If he himself was an officer in that army, Mr. P. said that he should be satisfied by the first thanks, those in the Answer to the *PRESIDENT*. He would be hurt by the second as uncon-

DECEMBER, 1791.]

Thanks to General Wayne.

[H. OF R.]

stitutional. What if, in the mean time, General Wayne and his army may have committed some error that requires an inquiry, and the House are to go into it with this vote of thanks staring them in their face! It had been said by Mr. SMITH, that if we had been sitting in September, when this news arrived, a vote of thanks would have been passed immediately and unanimously. I believe no such thing (said Mr. P.) We should have recommended such a step to the PRESIDENT.

Mr. GILES said, that if there ever could have been any doubt as to the impropriety of the resolution, that was now removed, [alluding to the speech of Mr. PARKER.] He thought that the gentleman [Mr. COIT] who moved the previous question had acted from the best motives. Two gentlemen [Mr. GILES referred to Mr. SEDGWICK and Mr. AMES] had recommended an appeal to *feeling*. We are sent here to reason. A gentleman [Mr. SEDGWICK] says that he has feelings which he cannot express. Let him strive to express them. It is not expected that a member is to express all that he may feel on every subject.

Mr. MURRAY said he thought the present resolution proper, unexceptionable, and as the fate of this question would have an effect on the motion for thanks to the militia, which he brought forward yesterday, he hoped it would succeed, and that its mover [Mr. SMITH, of South Carolina,] would not withdraw it. Gentlemen who are against the vote have talked of precedent. If example would serve their feelings with a stimulus, he would take the liberty of calling their attention to a page he had in his hand, in which they would find that some of our constituents have got the start of us, for the House of Delegates of Virginia had very properly considered the conduct of their Governor [Mr. LEE] in a light which merited their thanks for his acceptance of the command of his fellow-citizens against the insurgents. Mr. M. read the vote from a newspaper, which was a unanimous one. He said he considered this circumstance as extremely auspicious to both votes.

He said he had no objection to consider the practice as founded in principles which would bear examination. He thought it more necessary in the administration of our Government the great basis of which was public opinion—than in that of any other which he had read or heard of. Here our theories have made a bold appeal to the reason and feelings of our fellow-citizens. Neither titles, nor hereditary honors, nor crosses, nor ribands, nor stars, nor garters, are permitted or endurable. Neither would they be accepted here were they offered. We had but two ways, as far as his knowledge then served him, of rewarding or acknowledging great displays of public virtue. One way is by pay in money; the other by thanks expressed by vote, or presented and perpetuated in some memorial, as in a medal. The first is unequal, as the fortunes of men differ, so would such reward not be equally valuable to all its objects, and were it practicable to apportion this reward agreeably to the fortunes of men, there

is a something ill-assorted in it with the idea of honorable ambition; nor did he think there was any good man who had a spark of what is called sentiment in his bosom, who would not say the reward was not only lame for want of uniformity, but defective in point of taste in its species. He believed much in the sense of duty as a motive to good and reasonable services, and that an enlightened mind would feel the close alliance between interest and duty; but he held reward to be essential, politically considered, to the practice of great virtue, taking men as you find them. Not that money can be an adequate reward; it was therefore that he wished to see a style of acknowledgment derived both from the genius of the Government and congenial with the passions which work on the side of virtue—a mode as far removed from mere avarice as it was nearly associated to the movements of the most elevated minds. He readily yielded his belief that the gentlemen who were unwilling to adopt the practice fully admitted the merits to which they did not think it expedient to give a vote of thanks; but the precedent, founded expressly on the principle, that in no case of the greatest events are we to give thanks to the agents in them, will absolutely strip the Government of the only power its Constitution admits of conferring deserved distinction. He thought that public gratitude was a great fund, which if judiciously and delicately economised, might be rendered a source of great and good actions. It is an honor both to the nation that can feel and express it, and to those who receive it. He did not think it ought to be lightly drawn on, and hoped a line which it was more easy to conceive than draw, would be adopted by the House to save the Legislature from those perilous occasions which would lessen its value, and that no member would ever move a vote of thanks but upon the happening of some event so strikingly great and useful as to carry but one opinion. The two events designated at present (for he saw both votes were to have one fate) were great, highly interesting, and carried but one opinion. The army under General Wayne had gained a brilliant victory. It was, he believed, the first great victory that had attended the arms of the United States since the adoption of the Constitution. That army merited the thanks of their country, and we may say so. They had not only gained victory and fame, but had earned them in a solitude where the voice of fame could not be heard; in a profound wilderness, where neither the soothing of just ambition can reach them, nor the smiles of social and civilized life can comfort them after their severe labors.

The militia, both officers and men, in "quelling the insurrection," had displayed the wisdom and virtue which the Constitution had anticipated; had eminently deserved the most public testimony to their good conduct. Shall we, as we certainly feel this to be true, be deterred from expressing what we feel, because the folly of a future moment may possibly betray us into an undue multiplication of thanks, or because we

H. of R.]

Thanks to General Wayne.

[DECEMBER, 1794.]

may be harassed by a fatiguing succession of calls upon our gratitude? There could be little fear that great events would crowd too fast upon our feelings, and take up our time by applause, and he believed his constituents would readily admit the importance of two such events as some excuse for the time we consume in celebrating them.

In favor of the principle, we are supported by the example of the old Congress, by the practice of all nations, and by the known character of human nature in all cases and everywhere. The ancients and the moderns, by a variety of inventions and of policy, analogous to our object, endeavored to enlist all the passions in the public service. The old Congress understood the springs that work in great events, and though there was in the glorious Revolution which they guided, an ardor in the public mind that needed little aid, they did not disdain an appeal to the just pride and ambition of the individual; that the motives to public virtue might be multiplied, they in many instances took care that great events and services should be attended by some small but inestimable memorial.

Mr. AMES.—The apprehensions of the House have been attempted to be alarmed, as if they were pushed to adopt hastily and unguardedly some dangerous new principle. The practice of all public bodies without exception, has been to express their approbation of distinguished public services. Instead of establishing a new principle, the attempt is now made to induce us to depart from an old one. Nay, the objection taken altogether is still more inconsistent and singular, for it is urged, the Answer of the House to the PRESIDENT'S Speech has already expressed our approbation of the conduct of General Wayne and his army. It is, say they, superfluous to express it again. The argument opposed to the vote of thanks stands thus: It is a dangerous new principle, without a precedent, and without any just authority from the Constitution, to thank the army; for, the objectors add, we have in the Answer to the Speech expressed all that is contained in the motion. It is unusual to quote precedent, and our own recent conduct, to prove a motion unprecedented, and to prove a measure new and dangerous because it has been adopted without question or apprehension heretofore.

The thanks of this body addressed directly to the army will be much more acceptable than an opinion concerning them in our Answer to the Speech, and which they may not happen ever to hear of.

It has been said, with an air of triumph, that we are to be guided by reasoning, not feeling, as if I had made an attempt by an appeal to the latter to lead the House astray. This observation appears to have made some impression, and it is proper therefore to notice it.

Reason is the test of what is true and what is useful. When our interests are depending on a vote, we cannot be too circumspect to avoid the intrusion of our feelings. During the last session the opposers of the measures which were then

urged upon the House, used all their endeavors to expose their injurious tendency. Some of those who would now pass for all reason, made a boast then of being all feeling. Then they reproached us with an unchangeable adherence to what we thought the interests of the country: on such questions, where error may be ruin, the passions turn traitors. On such occasions we had our feelings, but we thought ourselves bound by all that we owed to duty and our country to suppress them. It was then proper to be cool, considerate, and cautious.

But is the present question of such a nature? It has nothing to decide respecting the abstract truth of the proposition, for the assertion contained in the vote of the merit of the army is undeniable; it cannot be opposed by any plea of public duty, for it is not an act of authority, nor will it affect any one interest or right of society.

It is simply a question of mere propriety; and is it a novelty, is it anything to alarm the caution of the House, that such questions are always to be decided by feeling? What but the sense of propriety induces me to perform to others the nameless and arbitrary duties, and to receive from others the rights which the civilities and refinements of life have erected into laws? In cases of a more serious kind, is not sentiment the only prompt and enlightened guide of our conduct? If I receive a favor, what but the sentiment of gratitude ought to direct me in my acknowledgments? Shall I go to my benefactor and say, Sir, I act coolly and carefully; I will examine all the circumstances of this transaction; and if upon the whole I find some cause of gratitude, I will thank you. Is this gratitude or insult? The man who affects to hold his feelings, and his best feelings back for this cold-blooded process of reasoning, has none. He deceives himself, and attempts to deceive others, if he pretends to reason up or to reason down the impressions which actions worthy of gratitude and admiration make upon his heart. Was it necessary to wait for the joy and exultation which the news of the victory of General Wayne instantly inspired, till we could proceed with all due phlegm and caution to analyze it? The gentleman from Virginia [Mr. NICHOLAS] has not even yet received the impressions which are so natural and so nearly universal; for he has insisted that the army has only done its duty, and therefore it is improper to express our thanks. Indeed, it has done its duty, but in a manner the most splendid, the most worthy of admiration and thanks. That gentleman has also expressed his doubts of the very important nature of the victory, and one would suppose it was thought by many a very trivial advantage that is gained. It is such an one, however, as has humbled a victorious foe; as has avenged the slaughter of two armies; as gives us the reasonable prospect of a speedy peace. Can we desire anything more ardently than a termination of the Indian war?

The same gentleman, or some other opposing the vote of thanks, has said, if our armies have done well, they are paid for it, as if money was

DECEMBER, 1794.]

Thanks to General Wayne.

[H. OF R.]

the measure and the recompense of merit. No, sir, our soldiers did not reason coldly (as we are now exhorted to do) in the day of battle. When the war-whoop would have shrunk hearts that had nothing more than reasoning on their wages and their services to animate them, did our brave soldiers think only of their ninepence a day? If they had, we should not have had this occasion to offer to them the thanks of the nation.

A soldier, of all men, looks to this kind of recompense for his services; and surely, to look to the approbation and applause of his country, is one means of keeping alive the sentiments of citizenship which ought not to be suffered to expire even in a camp. Shall we make it an excuse for refusing to pass this vote that we establish the principle of thanking nobody? Is not this, as a principle, as novel, as improper, as that which alarms our opponents? And shall we establish it as a principle against the known practice of other assemblies and of this, and against the intrinsic propriety of the case, merely because we think our discretion will not be firm enough in future to prevent the abuse of the practice? Scarcely any abuse could have a worse influence than the refusal to adopt this vote, because, should the negative prevail, what would the army believe? Would they not say, a vote of thanks has been rejected? It is said we have not done much, and what we have done is merely our duty, for which we receive wages?

The debate has taken such a turn, that I confess I could have wished the motion had not been made. For the most awkward and ridiculous thing in the world is to express our gratitude lothly. But at least it offers to those who fear that votes of thanks will be too frequent, some security against their apprehensions. Would any man risk the feelings and character of his friend by an attempt to force a vote of thanks by a bare majority through the House? No, an ingenuous mind will shrink from this gross reward. If there is any force in the precedent it is feared we are now making, it will operate more to deter from than to invite the repetition.

Mr. DEARBORN was in favor of the original motion. In addition to some remarks relative to the Republicanism of the idea of the Representatives of the people thanking the armies of the people for their prowess and victories, he compared the argument against the resolutions on the score of abuse to a wiser's excusing himself from the practice of charity, lest he should bestow it on unworthy objects.

Mr. RUTHERFORD was opposed to the previous question. He hoped the resolution of thanks would pass without a dissenting voice.

The previous question was now called for, by five members, viz: "Shall the main question to agree to the said resolution, be now put?" And

On the previous question, "Shall the said main question be now put?" it was resolved in the affirmative—yeas 52, nays 36, as follows:

YEAS.—Fisher Ames, James Armstrong, Abraham Baldwin, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, William

J. Dawson, Henry Dearborn, Gabriel Duvall, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Daniel Heister, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Lyman, Francis Malone, William Montgomery, Peter Muhlenberg, William Vans Murray, Joseph Neville, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Peleg Wadsworth, John Watts, Paine Wingate, Richard Winn, and Joseph Winston.

NAVS.—Theodoros Bailey, John Beatty, Thomas Blount, Elias Boudinot, Thomas Claiborne, Joshua Coit, Isaac Coles, George Dent, Samuel Dexter, William B. Giles, Nicholas Gilman, Carter B. Harrison, John Heath, James Hillhouse, John Hunter, Richard Bland Lee, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Francis Preston, John S. Shorburne, John Smilie, Israel Smith, Zephaniah Swift, Thomas Tredwell, Abraham Venable, Francis Walker, and Artemas Ward.

And then the main question being put, that the House do agree to the said resolution, it was

Resolved, unanimously, That the thanks of this House be given to the brave officers and soldiers of the legion under the orders of Major General Wayne, for their patience, fortitude, and bravery.

Resolved, unanimously, That the thanks of this House be given to Major General Scott, and to the gallant mounted volunteers from the State of Kentucky, who have served their country in the field, during the late campaign, under the orders of Major General Wayne, for their zeal, bravery, and good conduct.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to transmit the foregoing resolutions; and that Mr. WILLIAM SMITH and Mr. MURRAY be appointed a committee to wait on the PRESIDENT therewith.

On motion of Mr. MURRAY,

Resolved, unanimously, That the thanks of this House be given to the gallant officers and privates of the Militia of the States of New Jersey, Pennsylvania, Maryland, and Virginia, who, on the late call of the PRESIDENT, rallied round the standard of the laws, and, in the prompt and severe services which they encountered, bore the most illustrious testimony to the value of the Constitution, and the blessings of internal peace and order; and that the PRESIDENT be requested to communicate the above vote of thanks in such manner as he may judge most acceptable to the patriotic citizens who are its objects.

Ordered, That Mr. WILLIAM SMITH and Mr. MURRAY be appointed a committee to wait on the PRESIDENT with the foregoing resolution.

FRIDAY, December 5.

Ordered, That the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the thirtieth of

January, seventeen hundred and ninety-four, enclosing the copy of a Letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as also the petitions of Thomas Person and others, proprietors in lands in the Territory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina, which was made to this House on the 19th of February last, be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House, on the bill for the relief of Peter Covenhoven; and, after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time on Monday next.

The House resolved itself into a Committee of the Whole House on the estimates of appropriation for the service of the year 1795; and, after some time spent therein, the Committee rose and reported the following resolution; which was twice read, and agreed to by the House, viz:

Resolved, That, for the expenditure of the Civil List of the United States for the year one thousand seven hundred and ninety-five, together with the incidental and contingent expenses of the several Departments and offices thereof, there be appropriated the several sums of money following, to wit:

[Here follows a list of all the appropriations, amounting, in the whole, to \$435,250.]

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. FITZSIMONS, Mr. SIMEON BOURNE, and Mr. GRIFFIN, do prepare and bring in the same.

Ordered, That the Committee of the Whole House to whom was committed the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes, be discharged from the further consideration thereof, and that the said bill be recommitted to Mr. GILES, Mr. SEDGWICK, Mr. HEISTER, Mr. LOCKE, and Mr. VAN CORTLANDT.

The House resolved itself into a Committee of the Whole House on the motion of the third instant, "that provision be made by law, for compensating the sufferers by the depredations of the insurgents in the Western counties of Pennsylvania," and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from further proceeding on the said motion, and that so much of the Speech of the PRESIDENT OF THE UNITED STATES as relates to the subject-matter thereof, be committed to Mr. HILLHOUSE, Mr. FINDLEY, Mr. LYMAN, Mr. WATTS, and Mr. WILLIAM SMITH.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred that part of the Speech of the PRESIDENT, which relates to the improvement of harmony with the Indian nations, within the limits of the United States, by fixing and conducting of trading houses; and, after some time spent therein, the Committee rose and reported the fol-

lowing resolution, which was twice read, and agreed to by the House, viz:

Resolved, That — dollars be appropriated for the purpose of carrying on trade with the Indian nations.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. PARKER, Mr. BLOUNT, Mr. BOUDINOT, Mr. FINDLEY, and Mr. GREENUP, do prepare and bring in the same.

MONDAY, December 8.

An engrossed bill for the relief of Peter Covenhoven, was read the third time and passed.

Ordered, That a committee be appointed to examine and report what proceedings have been had under the act of Congress, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," passed the 5th of March, 1792; also, to report whether any, and what, amendments are necessary to the several laws respecting the Military Establishment, and the protection of the frontiers of the United States.

And a committee was appointed of Mr. NICHOLAS, Mr. DEARBORN, and Mr. SMILLIE.

Ordered, That a committee be appointed to prepare and bring in a bill to amend the act, entitled "An act to establish a uniform rule of Naturalization," and that Mr. MADISON, Mr. DEXTER, and Mr. CARNES, be the said committee.

Mr. PRESTON, from the committee to whom was referred the petition of sundry inhabitants living between the lines commonly called Walker's and Henderson's lines, made a report, which was read: Whereupon,

Resolved, That a law should pass, establishing Walker's line as the Southern boundary between the State of Virginia and the Territory of the United States South of the river Ohio, reserving to the said inhabitants their claims to lands lying between the said lines, according to the laws of the State under which they claim.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. PRESTON, Mr. WINSTON, and Mr. PICKENS, do prepare and bring in the same.

Mr. FITZSIMONS from the committee appointed, presented a bill making appropriations for the support of Government for the year one thousand seven hundred and ninety-five; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Report of the Secretary of War, respecting the fortifications of the United States.

The first resolution of the report was then read; and, after some further discussion, the Committee rose, and the Chairman reported progress.

Mr. PARKER then moved that the PRESIDENT should be requested to cause the proper officer to lay before the House a copy of instructions to the superintendents and engineers for the erection of the fortifications in the ports and harbors of the

DECEMBER, 1794.]

Proceedings.

[H. or R.]

United States. A committee was accordingly appointed to wait on the PRESIDENT.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to establish an uniform system of Bankruptcy throughout the United States; and that Mr. WILLIAM SMITH, Mr. SEDGWICK, and Mr. VENABLE, be the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to authorize the PRESIDENT OF THE UNITED STATES to receive on loan a sum not exceeding two millions of dollars, at a rate of interest not exceeding five per cent., payable at the pleasure of the United States; and that Mr. FITZSIMONS, Mr. HINDMAN, and Mr. COLES, be the said committee.

A message from the Senate informed the House that the Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to examine and report what business is necessary to be done during the present session; the Senate have also passed a bill, entitled "An act to amend and explain the twenty-second section of the act 'Establishing the Judicial Courts of the United States;'" to which they desire the concurrence of this House.

Mr. W. SMITH immediately remarked that it would be necessary to appoint three prophets to confer with the committee of the Senate.

Mr. SEDGWICK moved that the House should agree to the motion of the Senate.

Mr. DAYTON said, that it was beyond the abilities of any committee to comply with such a requisition. He himself had several matters to propose, that he had never yet mentioned; and he could not be one of the committee, for he was on two committees already. But, besides that, other gentlemen are daily bringing up new business, which they think of importance. He mentioned, as an instance, the unexpected motion just now made by a gentleman from Virginia, [Mr. MADISON,] on the Naturalization Bill, which seemed to meet the universal concurrence of the House. Six weeks hence there may be a shadow of propriety in such a request from the Senate.

Mr. SEDGWICK defended his motion as a matter of civility.

Mr. W. SMITH said, that such a message had a very odd appearance from the Senate. It was but ten or fourteen days since they had formed a quorum, and now they are inquiring when are we to adjourn?

Mr. SEDGWICK said, they have not asked this question.

Mr. SMITH replied, that this was the intention of the message. He himself would, perhaps, have important business, two or three weeks hence, to bring forward from his constituents, but it was impossible for him to give an account of it just now. The House had, two or three days ago, told the PRESIDENT that they were going to consider the subjects recommended in his Speech, and now they are called on to conclude the business.

Mr. SEDGWICK withdrew his motion.

The last-mentioned bill in the message was read twice, and committed.

Ordered, That a committee be appointed to consider and report on the expediency of making further provision in the laws of the United States, relative to the cession of the jurisdiction by particular States, in lands where are established, or may by law be directed to be built and established, light-houses, buoys, and public piers.

And a committee was appointed, of Mr. CORR, Mr. TREDWELL, and Mr. LEE.

TUESDAY, December 9.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to establish an uniform system of Bankruptcy throughout the United States; which was twice read and committed.

The House resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government for the year one thousand seven hundred and ninety-five; and, after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed and read the third time to-morrow.

Mr. FITZSIMONS, from the committee appointed, presented a bill authorizing a loan of two millions of dollars; which was twice read and committed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act to amend and explain the twenty-second section of the act 'establishing the Judicial Courts of the United States;'"

The bill was reported to the House without amendment, read the third time, and passed.

Mr. W. SMITH rose and said, that he had in his hand a letter from Magdeburgh, in Germany, addressed to the Congress. A number of families there wanted to emigrate into this country, but before they ventured on that step, they wished to have answers to several queries, which they proposed. One of these excited a general smile in the House. It was, whether there was in America a quick demand for Physicians and Divines? Some other queries went to ascertain whether money could be borrowed, if it should chance to be wanted, for carrying on manufactories, such as tan works. Mr. S. said, that having received this letter, addressed to Congress, he had thought it his duty to read a translation of it to the House.

The SPEAKER [Mr. Muhlenberg] informed the House that there was an incorporated German Society in Philadelphia, who had already sent to Germany a full answer to every query of this kind, which could be put; and this paper had been published. But he would take care that the letter should have a proper answer. [The SPEAKER himself is the President of this Society.]

The House resolved itself into a Committee of the Whole House on the report of the committee on the Message of the PRESIDENT OF THE UNITED STATES, of the thirtieth of January last, enclosing the copy of a letter from the Governor of North Carolina, covering a resolution of the Legislature of that State: as, also, the petitions of Thomas Person and others, proprietors of lands in the Ter-

H. OF R.]

The Mint.

[DECEMBER, 1794.]

ritory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina; and, after some time spent therein, the Committee rose and reported progress.

THE MINT.

The House then took up the motion of Mr. CORT, relative to the Mint. The letter of Mr. RITTENHOUSE, referred to yesterday, was again read.

Mr. BOUNNOT drew the attention of the House for some time, by a series of the most interesting observations. He went to the Bank of the United States to inquire for cents. He was told that there were none to be had, because the Bank could not get them from the Mint. He then went to the Mint, where he was informed that cents were not coined faster, because the officers of the Mint did not know where to get them vented! He said that this Mint cost twenty-four thousand dollars per annum, and every cent coined there cost the public several cents, though he could not exactly tell how many. In New Jersey far more cents had been coined in a few months than had ever been coined altogether at the Mint of the United States, and this had been done at one fortieth part of the expense which the Mint of the United States has cost.

Several other members adverted to the prodigious inconvenience which is felt all over the Union for want of copper coin; and it appeared to excite some curiosity, on what foundation the officers of the Mint said that they could not get their cents vented. It was remarked by Mr. W. SMITH that, except as to Philadelphia, the Mint is of little or no use whatever. The cents given out never go farther than the city.

A committee of three members were appointed to examine and report on the state of the Mint, and what means may be used to render the institution more beneficial to the United States.

WEDNESDAY, December 10.

An engrossed bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-five, was read the third time, and passed.

An engrossed bill authorizing a Loan of two millions of dollars was read the third time, and passed.

A petition of William Rotch and Sons, of Nantucket, in the State of Massachusetts, was presented to the House and read, praying that they may be exonerated from the payment of the duties imposed on foreign vessels, to which they will be subjected, in the case of the ships Maria and Diana, the property of the petitioners, which, being absent from the United States, were not registered within the time prescribed by law. Also,

A petition of Epaphras Jones, of the city of New York, in behalf of himself, Stephen Gorham, Shubal Gorham, Charles Selden, of the said city, merchants, and owners of the brigantine called the Peru, of New York, praying that the Collector of the port of New York may be authorized to receive the oaths of the said Stephen Gor-

ham, Shubal Gorham, and Charles Selden, to the register of the said brigantine, they having been prevented from taking the same within the time prescribed by law, by absence from the United States.

Ordered, That the said petitions be referred to Mr. GOODHUE, Mr. COFFIN, and Mr. GILMAN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

On a motion made and seconded that the House do come to the following resolution:

"Resolved, That provision be made for effecting the transfer of so much of the stock standing to the credit of any State, pursuant to the report of the Commissioners for settling accounts between the United States and individual States, to creditors of such State, as may be necessary to satisfy their respective demands, with the consent of the said State and its creditors."

Ordered, That the said motion be committed to a Committee of the Whole House to-morrow.

Mr. AMES, from the committee appointed, presented a bill to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased; which was read twice and committed.

The House proceeded to consider the resolution of the Senate, of the eighth instant, for the appointment of a joint committee of the two Houses, to examine and report what business is necessary to be done during the present session.

Mr. TRACY could not speak from experience as to the point of form. But he knew that there was no message of this kind last session. There was a committee of the two Houses to know what business could be delayed, but not what was to be done. There seemed but one sentiment in the House, as to the message itself, but he was clear that, in point of civility, the question should be taken up, and decided. This could do no harm, and, by the reception that the proposal would meet with, it might most likely prevent any messages of that sort in future.

Mr. DEXTER thought that it was an indifferent argument for taking up the proposition to say that it would be rejected. This discussion would be a mere waste of time. He understood that the resolution had been carried through the Senate by a majority of one. He hoped that the House would not give itself any farther trouble about such a resolution, carried by such a majority.

Mr. HORTON said that the resolution was not in itself worth a moment's consideration.

Mr. GILES was for taking up the question, that the Senate might not be held in suspense. He should vote against appointing a committee.

The House then divided for taking into consideration the message of the Senate—Ayes 35, noes 24.

The main question was then put; "Shall this House appoint a committee to confer with one from the Senate, and report what further business remains to be done during the present session?"

Gentlemen in the affirmative rose. There were not more than five or six; so the resolution was rejected by a very large majority.

DECEMBER, 1794.]

Balances due United States.

[H. or R.]

THURSDAY, December 11.

The following Message was received from the
PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to you, for consideration, a representation made to me by the Secretary of the Treasury, on the subject of constituting an officer to be specially charged with the business of procuring certain public supplies.

G. WASHINGTON.

UNITED STATES, December 11, 1794.

The said Message and representation were read, and ordered to lie on the table.

Mr. GILES, from the committee to whom was recommended the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes, reported an amendatory bill; which was twice read, and committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said Committee; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The SPEAKER laid before the House a Letter and Report from the Secretary of War, respecting the difficulties and inconveniences which had occurred in the execution of the act, entitled "An act more effectually to provide for the national defence by establishing an uniform Militia throughout the United States," in pursuance of a resolution of this House, of the 25th ultimo; which were read, and ordered to be referred to the committee appointed to prepare and report a plan for the better organizing, arming, and disciplining the Militia of the United States.

Mr. PRESTON, from the committee appointed, presented a bill for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina; which was twice read, and committed.

Mr. HILLHOUSE, from the committee to whom was referred that part of the Speech of the PRESIDENT OF THE UNITED STATES, which relates to the policy of indemnifying the sufferers by the depredations of the insurgents in the Western counties of Pennsylvania, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased; and, after some time spent therein, the Chairman reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

FRIDAY, December 12.

An engrossed bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes, was read the third time, and passed.

An engrossed bill to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased, was read the third time and passed.

A petition of George Gibbs, of Newport, in the State of Rhode Island, merchant, was presented to the House and read, praying that he may be allowed the drawback of the duties on a quantity of wines exported to Calcutta, in the East Indies, in December, 1790, and of which, owing to unavoidable circumstances, he has not been able to produce the certificates required by law to cancel the bond given on the exportation of the same.

Ordered, That the said petition be referred to the Committee of Claims.

The House proceeded to consider the report of the committee on the memorial of Tobias Rudolph, representative of John Rudolph, deceased, which was made to this House on the 23d day of April last. Whereupon,

Ordered, That the accounting officers of the Treasury be authorized to accept the vouchers produced in support of the claim of John Rudolph, deceased, late a Major in Lieutenant Colonel Lee's legion of the Continental Army, and to pay the amount of the said claim to Tobias Rudolph, as the legal representative of the deceased.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. CHRISTIE, Mr. SHERBURNE, and Mr. BAILEY, do prepare and bring in the same.

BALANCES DUE THE UNITED STATES.

Mr. HEATH next read the following resolution:

"Resolved, That the Secretary of the Treasury cause to be laid before the House a statement of the balances remaining unpaid, if any, which may have been due by individuals to the United States, previous to the 4th of March, 1789, and whether any, and what steps have been taken to recover the same. And also a statement of the sundry sums of public money, which may have been intrusted to individuals previous to the said 4th day of March, 1789, and have not been accounted for."

Mr. HEATH introduced this resolution, with some remarks on the impropriety of making new Loans, if anything could be had from the debts due to the United States.

It was agreed to take up the resolution.

Mr. SEDGWICK moved to refer it to a select committee. He observed that a gentleman who was not at present here, [Mr. JEREMIAH WADSWORTH,] and who knew more of the public accounts of the United States than any gentleman in the House, had always opposed motions of this kind. He gave as a reason that people could not get their accounts settled with the Treasury after waiting months. This arose from the confusion and loss of documents; and it would be wrong to be hasty in publishing them as debtors.

Mr. FITZSIMONS said that ever since the new Government had been established, ten or twelve clerks had constantly been employed in endeavoring to settle these accounts between the United States and individuals. He was not sure but these debts had cost more trouble to the United States than they are worth. Some people are stated in the books of the United States as debtors to the extent of millions, who call themselves *creditors* to the United States. He moved another resolution, which would answer all the purposes intended by Mr. HEATH; and this was, that a committee should be appointed to inquire what progress had been made in the settlement of public accounts, whether any further measures were wanted to expedite the business, and to get a state of balances due.

Mr. HEATH withdrew his motion, and a committee of five was appointed agreeably to the resolution proposed by Mr. FITZSIMONS.

PAY OF MILITIA OFFICERS.

The House then took up the following resolution, laid on the table yesterday by Mr. BLOUNT, that a committee be appointed to bring in a bill for regulating the pay of commissioned officers of the Militia of the United States, viz.:

"Resolved, That a committee be appointed to bring in a bill to regulate the pay and allowances to the commissioned officers of the Militia of the United States."

Mr. BLOUNT said, that the low pay of the soldiers in the militia was not a cause of greater discontent than the high pay of the commissioned officers.

Mr. BLOUNT moved that the House should go into a Committee of the Whole on this subject.

Mr. PARKER was in favor of the House going into a Committee.

Mr. FITZSIMONS was for a select committee, in the first place, because he thought it improper to plunge into so wide a subject at once, without any rule or principle to direct them.

Mr. CLAIBORNE argued for a select committee in the first place. He said that four thousand and fifty-seven dollars per annum were given to a Major-General, which would be sufficient for paying twenty-eight or twenty-nine men. This was an absurdity, and the Army were sick of it. He wanted a select committee first, that some kind of shape might be given to the resolution.

Mr. B. BOURNE had never heard any complaints against the pay of the militia officers as being too high. He had heard complaints on many other payments made by Government—such as the six dollars a day to members of that House. He would think it very improper to make any distinction between the pay of officers in the militia, and the other troops. We have been raising the pay of the privates in the militia somewhat above that of the regulars; and now it is proposed to reduce the pay of the militia officers below that of the regulars. He thought that all this had somewhat of an odd appearance.

The resolution was referred to a Committee of the Whole on Monday.

The House resolved itself into a Committee of the Whole House on the motion of the 10th instant, making provision for effecting the transfer of so much of the stock standing to the credit of any State, to creditors of such State, as may be necessary to satisfy their respective demands, and, after some time spent therein, the Chairman reported that the Committee had had the said motion under consideration, and made no amendment thereto.

The said motion was again read, and, on the question put thereupon, agreed to by the House, as follows:

Resolved, That provision be made for effecting the transfer of so much of the stock standing to the credit of any State, pursuant to the report of the Commissioners for settling accounts between the United States and individual States, to creditors of such State, as may be necessary to satisfy their respective demands, with the consent of the said State, and its creditors.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. BENJAMIN BOURNE, Mr. SWIFT, and Mr. VAN GAASBECK, do prepare and bring in the same.

MONDAY, December 15.

Two other members, to wit: from Virginia, JOHN PAGE; and from North Carolina, BENJAMIN WILLIAMS, appeared, and took their seats in the House.

Mr. NICHOLAS, from the committee appointed, to examine and report what proceedings have been had under the act "For making further and more effectual provision for the protection of the frontiers of the United States," and to report whether any, and what, amendments are necessary to the several laws respecting the Military Establishment, and the protection of the frontiers of the United States, made a report which was read, and ordered to be committed to a Committee of the Whole House tomorrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of William Dewees; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to no resolution thereupon.

Resolved, That the petition of the said William Dewees be rejected.

Mr. CHRISTIE, from the committee appointed, presented, according to order, a bill for the benefit of Tobias Rudolph, representative of Major John Rudolph, deceased, which was twice read, and committed.

PAY OF THE MILITIA OFFICERS.

The House resolved itself into a Committee of the Whole House on the motion of the 12th instant, "that a Committee be appointed to bring in a bill to regulate the pay and allowances to the commissioned officers of the Militia of the United States."

DECEMBER, 1794]

Pay of Militia Officers—Claim of Stephen Sayre.

[H. OF R.]

Mr. SEDGWICK never had been in the militia, and he was very sure that he never should be, but this did not hinder him from feeling when they were hardly treated. It would depress, discourage, and disgust militia officers, to see the regulars better paid than themselves.

On the suggestion of Mr. MUILENBERG, (the Speaker,) the original resolution was restricted to these words:

Resolved, As the opinion of this Committee, that the pay of the militia officers ought to be reduced."

Mr. BLOUNT, Mr. FINDLEY, and Mr. RUTHERFORD, were for the reduction. The latter gentleman was averse to the great distinction in the pay of officers and soldiers, as, from its extreme inequality, too much resembling Monarchy.

Mr. HEATH was opposed to the motion on the table. He thought that it would have an effect to damp that military ardor which the House had experienced in the recent example before them in their militia, who might be called on again to resume their tour of duty. A comparative reasoning cannot be drawn with justice and truth, from the pay fixed by Congress in 1775, for the regular army. That was a time, when the citizens of America embarked in the common cause of their country upon a revolutionary ground more than from pecuniary motives; but now, when the country has a permanent independent Government, there ought to be a better reason given for reducing the pay of the militia officers, than has been already adduced in the debate. If this resolution obtains it will have another pernicious effect. It would badly reward this great body of our militia, to be called from their homes, upon the spur of an occasion, under manifold difficulties and inconveniences; every one must, at the same time, confess that the militia are the great bulwark of our Republic. This resolution might, in the end, tend to make them inferior and subordinate to the present small Military Establishment of the United States. Most of the military go into the army *professionally* to continue. This is not the case with the militia, whose time of service expires with the tour.

After some further remarks from different gentlemen, the Committee disagreed to the resolution. The Chairman reported that they had come to no resolution; and the question was then taken on the report of the committee, to which the House agreed.

The yeas and nays were taken, and were—yeas 50, nays 29, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Gabriel Christie, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Gabriel Duvall, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, Samuel Holten, John Hunter, John Wilkes Kittera, Richard Bland Lee, Francis Malbone, Peter Muhlenberg, William Vans Murray, Joseph Neville, Alexander D. Orr, Andrew Pickens, Francis Preston, Thomas Scott, Theodore Sedgwick, John S. Sherburne,

Jeremiah Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gansbeck, Peleg Wadsworth, John Watts, and Richard Winn.

NAYS.—James Armstrong, Theodorus Bailey, Thomas Blount, Thomas Claiborne, William J. Dawson, William Findley, James Gillespie, Christopher Greenup, William Barry Grove, George Hancock, Carter B. Harrison, Matthew Locke, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Anthony New, Nathaniel Niles, John Page, Josiah Parker, Robert Rutherford, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Paine Wingate, and Joseph Winston.

The resolution for reducing the pay of the officers of the militia was therefore rejected.

CLAIM OF STEPHEN SAYRE.

It was next moved, that the House go into a Committee on the report of the Secretary of State on the petition of Stephen Sayre. The House resolved itself accordingly—Mr. COBB in the Chair.

Many objections were made to the claims of this gentleman.

Mr. BODINOT said, that Mr. Sayre assumed the merit of the armed neutrality to himself, and this position was unfounded. The armed neutrality arose from a misunderstanding between two Russian Ministers, that produced some intrigues ending in this measure. He condemned the silence of Mr. Sayre, while Mr. ARTHUR LEE and Dr. FRANKLIN were alive; as they would have been the most effectual evidences in his favor.

Mr. PARKER explained that, during a long interval, Mr. Sayre was not in this country, and therefore had not an opportunity to make the use proposed of their testimony.

Mr. SWIFT disbelieved what Mr. Sayre, in one part of his memorial, alleged, viz: that he, by his own personal influence, had persuaded the King of Prussia to set on foot the armed neutrality. As he firmly believed that this part of the memorial was not true, Mr. S. thought himself entitled to doubt the correctness of other parts of it.

Mr. HILLHOUSE, Mr. COIT, and some other members, also spoke. It was observed that the Committee were, in some material particulars, uninformed, and that it would be better for the Committee to rise, and the Chairman to ask leave to sit again. The Committee rose accordingly.

Mr. MADISON, from the committee appointed, presented a bill to amend the act, entitled "An act to establish an uniform rule of Naturalization;" which was read twice, and committed.

The House again resolved itself into a Committee of the Whole House on the estimates of appropriation for the service of the year one thousand seven hundred and ninety-five; and, after some time spent therein, the Chairman reported that the Committee had again had the said estimates under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That there be appropriated for the

H. of R.]

Major Rudolph's Claim.

[DECEMBER, 1794.]

pay, subsistence, forage, and other expenses attending the Militia in their late expedition to the Western counties of Pennsylvania, a sum not exceeding ——— dollars.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. FITZSIMONS, Mr. SHEARWASHUB BOURNE, and Mr. GRIFFIN, do prepare and bring in the same.

Ordered, That a committee be appointed to inquire if any, or what alterations ought to be made to the act, passed the 7th day of June, 1794, entitled "An act concerning invalids."

And a committee was appointed, of Mr. BOWDINOT, Mr. GREENUP, and Mr. GILLESPIE.

Ordered, That a committee be appointed to inquire how far the Post Office Law has been carried into execution, and to report thereon; and that Mr. BALDWIN, Mr. GROVE, and Mr. WINN, be the said committee.

Mr. WILLIAM SMITH, from the committee appointed to prepare and report a plan for the redemption of the Public Debt, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Thursday next.

TUESDAY, December 16.

A petition of sundry soldiers of the late Army of the United States, whose names are thereunto subscribed, was presented to the House and read, praying that the locations which they have made of the respective proportions of lands due for their military services during the late war, in the second range of townships, on the river Ohio, together with the improvements thereon, may be confirmed to them, and grants issued for the same.

Ordered, That the said petition be referred to Mr. HARTLEY, Mr. PAGE, and Mr. WINSTON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Isaac Taylor and John Harvey, of the town of Newbern, in the State of North Carolina, merchants, was presented to the House and read, praying a remission of the duties accruing on a quantity of rum, sugar, and coffee, the property of the petitioners, which were consumed by fire, together with the storehouses in which they were deposited, in the months of October and November last.

Ordered, That the said petition be referred to Mr. PARKER, Mr. WILLIAMS, and Mr. ORR; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to Congress the copy of a Letter from the Secretary of State, with his account, as adjusted with the Treasury Department, of the expenditure of moneys appropriated for our intercourse with foreign nations, up to the first of July, one thousand seven hundred and ninety four.

G. WASHINGTON

UNITED STATES, December 16, 1794.

The said Message and papers were read, and ordered to lie on the table.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause a report to be laid before this House of the measures that have been adopted, pursuant to the act of the twenty-seventh of March last, for building ships; of the progress hitherto made; the compensation allowed to persons employed in the different branches of the business; together with an estimate of the expense for completing the same.

Ordered, That Mr. GILMAN and Mr. PRESTON be appointed a committee to wait on the PRESIDENT with the foregoing resolution.

Mr. FITZSIMONS, from the committee appointed, presented a bill making appropriations for the expense of the Militia lately called into the service of the United States; which was twice read and committed.

MAJOR RUDOLPH'S CLAIM.

Mr. CHRISTIE moved that the House should go into a Committee, on the report from the select committee, for the relief of Tobias Rudolph, representative of the late Major John Rudolph, deceased. The House resolved itself into a Committee accordingly, Mr. CONN in the Chair.

The bill being read by the Clerk, Mr. MADISON proposed, as an amendment, to strike out the name of Tobias Rudolph, and leave it standing merely the representative of Major John Rudolph, because the House did not know whether this Tobias was the legal representative or not. This might hereafter become a legal question. The amendment was agreed to.

Mr. TRACY and Mr. SWIFT objected strongly to this bill, as breaking through an established rule. Mr. TRACY observed, that if the representative of Major Rudolph could not bring authentic evidence of his demand, that was no reason why he should obtain it without evidence. He was in that case an unfortunate person, but so were ten thousand others besides him.

Mr. DUVALL vindicated the justice of the demand. Major General Lee, and two other officers, attested that they had seen Major Rudolph pay the money out of his own pocket.

Mr. FITZSIMONS recommended that there should be an alteration in wording the bill, and for this purpose to recommit it.

Mr. CARNES could not see the propriety of altering the bill. He thought that as much of it might be changed, if an alteration was at all necessary, without rising. The original documents had been carried off by the enemy; no better evidence could be got than what had now been offered. Mr. C. was for the bill as it stood.

Mr. SEDGWICK was against the bill, and Mr. NICHOLAS defended it.

Mr. TRACY inquired what right this person had to claim the debts due to a gentleman deceased? Was he administrator or executor? had he any more right than Mr. TRACY, or any body else, to seek this money.

Mr. CHRISTIE replied, that Mr. Tobias Rudolph was brother to the deceased, and legally authorized to claim debts due him.

DECEMBER, 1794.]

Claim of Stephen Sayre.

[H. OF R

Mr. VANS MURRAY was in favor of the bill, with a modification.

Mr. MONTGOMERY was entirely against the demand.

Mr. SEDGWICK thought that the people of this country never could be safe against claims, if those of the present kind were admitted. It might be hard on this representative of Major Rudolph, but it would be harder on the public at large, if this bill were to pass. A door will thus be opened to advance frauds on the Treasury faster than any Legislature can vote money to supply them. Is it proper to pay money on the evidence of a certificate from certain military officers, that fourteen years ago money was advanced by Major Rudolph? How could these gentlemen know that the Major had not previously been furnished with it? It was improper to urge the characters of the gentlemen here introduced as witnesses. They were no doubt highly respectable, but this instance might serve as a precedent for different characters. We must not yield to individual feelings, but adhere to general principles.

Mr. CHRISTIE had seen claims admitted which had not half the evidence that there is in this case. There could be no better evidence than was here produced. It had been alleged that there never was any case like this formerly before the House. The assertion was not true. It was not a fact that the case was unprecedented. He defied the member who spoke last, [Mr. SEDGWICK,] with all his ingenuity, to devise better evidence than that which had been here brought. He said there had been more time spent upon this question than the worth of the whole sum. He did not wish to detain the Committee. To put an end to the dispute, he should move at once for the Committee to rise and the Chairman to report progress. This was agreed to and done accordingly; but when leave was asked to sit again, the House refused, and the case was at last referred to the Committee of Claims.

CLAIM OF STEPHEN SAYRE.

It was then moved that the Committee of the Whole House be discharged from further consideration of the Report of the Secretary of State, on the memorial of Stephen Sayre. The resolution passed in the affirmative. It was next moved to refer it to the Committee of Claims, which was negatived—yeas 34, nays 46.

It was then moved and agreed to read the Report of the Secretary of State, on the claim of Mr. Sayre, which was done accordingly.

Mr. BOWDISH observed, that he was called upon to give his assent to a report of the special committee, for paying out of the Treasury a large sum of money, which he could not consistently do without examining into the facts, as they appeared from the vouchers on the table. Mr. Sayre's account amounted to upwards of £1,000 sterling—a sum which would certainly justify the attention of the Committee to the nature and circumstances of the demand. It is founded on an appointment (by our Commissioners in Europe) of Mr. Sayre in 1777, as Secretary to Mr. Arthur

Lee, then a Commissioner to the Court of Berlin. Mr. Sayre states that Mr. Lee staid at Berlin about five weeks, but that he himself remained five months. That in 1778, he went to other Courts in Europe at the request of the Commissioners, &c., for which he charges a salary at the rate of £1,000 sterling per annum. In May, 1777, he received 2,000 livres from Mr. Lee, which he credits in his account. It does not appear that any application was made for this balance to the Commissioners in Europe; but in April, 1785, the Secretary of Foreign Affairs reports to Congress on a petition presented by Mr. Sayre, claiming the balance of his account; and after stating the allegations of Mr. Sayre, declares his opinion that Mr. S. is entitled to a reasonable compensation for his services, but that a copy of the report should be sent to Dr. FRANKLIN and Mr. Lee, and that they should be requested to inform Congress in what manner and capacity, and on what terms, Mr. S. had been employed. Mr. Lee was a delegate in Congress, as appears from the Journals, from January 1783, till April, 1784, when he was appointed a Commissioner for Indian Affairs, to hold the treaty of Fort Stanwix; this Treaty is dated October, 1784. In August, 1785, Mr. Lee was chosen one of the Board of Treasury, (whose duty it became to report on all demands against the United States,) and continued in that office till 1789. Dr. FRANKLIN arrived in America sometime about the year 1785 or 1786. In 1783, Mr. Sayre arrived in Philadelphia, and it was not till 1785 that he petitioned Congress, though Mr. Lee was a great part of that time one of that body. It does not appear that any application was made either to Mr. FRANKLIN or Mr. Lee, under the Report of the Secretary of Foreign Affairs, but in December, 1786, application was made by Mr. Sayre to Silas Deane, in England, who gave him a certificate of his appointment, a man whose enmity to the United States had placed him in a state of banishment from this country. Among other services also stated by Mr. Sayre, is his agency in bringing about the armed neutrality during the late war.

Mr. B. then reminded the Committee of the danger there was in determining on the state of facts of such long standing. That as to the armed neutrality, Mr. B. appealed to the historical knowledge of most of the gentlemen of the Committee, if this fact was possible? This extraordinary measure, it was well known, took its rise from the state of parties in the Court of Russia. One of the Secretaries of State, with the British Minister on one side, and the other Secretary on the other; and so secret was this transaction, that the first news the British Minister received of its existence, was from the announcing of it to his own Court. The next fact in which Mr. Sayre is mistaken, is the salary of the Secretary to a Commissioner. By the resolution of the former Congress, upon the Journals of 1780, (in his hands,) this salary is declared to be but £300 sterling per annum. Yesterday Mr. B. said he had suggested from his memory a slight remembrance of some charge of Mr. Lee in the settlement of his ac-

II. OF R.]

Pennsylvania Insurgents.

[DECEMBER, 1794.]

counts for the salary of his Secretary; and lest any one might be injured by his memory failing him, he had sent to the office for the copy of Mr. Lee's account, which he had before him, and stood thus: Compensation for services as Commissioner, from 1776 to 1778, at £500 sterling per annum, £1,638 17s. 9d. sterling. Secretary's salary from 25th March, 1778, to 25th March 1780, at £300 sterling per annum, is £600. By this account the salary of £300 is confirmed; and that he who was the principal had but £500, from whence the impropriety of his Secretary having £1000 must fully appear. It also appears, that he charged his Secretary's salary from March, 1778, which leads to the presumption that before this it had been settled. This presumption is strengthened by its appearing that Mr. S. had received 2,000 livres, which is about full pay for the three months and a half, at £300 per annum; and by the Committee's Report, it is not pretended that Mr. S. was more than four months on this mission. Mr. B. acknowledged that both the present Secretary of State and the select committee report the salary as having been at the rate of £1,000 sterling per annum. But they have been led to this mistake by taking up the salaries of the Secretary to the Minister Plenipotentiary at the Court of France. But it is extraordinary that the difference did not strike them. At the Court of France the Minister was acknowledged, and lived in the manner of other Ministers representing the sovereignty of their Nation, in which expenses their Secretary was in some measure involved; and accordingly the Minister was allowed £2,500 sterling per annum, and the Secretary £1,000. But in the present case the Commissioner, time incognita, was not acknowledged, and received himself but £500, and his Secretary £300.

From this view of the matter, Mr. B. conceived the application stood precisely in the same terms it did when Mr. Jay reported on it to Congress in 1785, that is, as unsupported by sufficient proof. The certificate from Mr. Deane, adding no weight in the scale of evidence, and even if valid, goes no further than to the appointment, which no one doubts; but is silent as to the terms or what compensation had been made. For these reasons Mr. B. said he must give his negative to the resolution before the Committee, if supported only by the facts on the table.

The House then proceeded to consider the report of the Committee. Whereupon,

The first resolution reported by the Committee, in the words following, to wit:

“Resolved, That the accounting officers of the Treasury be directed to audit and settle the account of Stephen Sayre, as Secretary to the Legation of the American Commission at Berlin; and that they allow him seven months' pay at the rate of one thousand pounds sterling per annum, with interest thereon till paid.”

was, on the question put thereupon, disagreed to by the House.

The second resolution reported by the Committee, in the words following, to wit:

“Resolved, That Stephen Sayre, late Secretary to Ar-

thur Lee, one of the Commissioners from the United States at Berlin, be allowed the sum of ——— dollars, for extra services rendered the United States subsequent to the departure of Arthur Lee from the Court of Berlin.”

was, on the question put thereupon, disagreed to by the House.

PENNSYLVANIA INSURGENTS.

It was then moved and seconded that the House should go into a Committee, on the report of the select committee, on that part of the President's Speech which recommended compensation to the sufferers by the insurgents in the Western counties. The House accordingly went into a Committee, Mr. Cobb in the Chair, and the report was read.

In the clause for making compensation to officers of Government, and other citizens, Mr. Nicholas was for striking out the three last words, and restricting indemnification to the officers of Government, as the additional words would make room for a set of claims which never could be satisfied or put to an end. It is now ascertained that the majority of the people of the four Western counties have always been in favor of Government; but, since it is so, they ought to have suppressed the insurrection, and saved the expense of sending an army into that country. But as they did not do so, Mr. N. did not see what claim they had for compensation any more than the sufferers in the war with Britain.

Mr. FINDLEY thought that sound policy required an indemnification to the sufferers.

Mr. HULLHOUSE was in favor of the report of the Committee as it stood. The whole affair was but a trifle. He understood that the damages done by the rioters did not altogether exceed twenty thousand dollars; and that three-fourths of this sum was for losses sustained by officers of the revenue. The rest of the account was for persons who had fought in defence of the officers, or who had lodged and protected them. He observed that the whole of the select committee were of one mind upon the subject, and agreed in considering the other citizens as equally entitled to indemnification with the officers themselves.

Mr. NICHOLAS was still against the resolutions as originally worded. He did not see any proof of extraordinary attachment on the part of the claimants, nor any peculiar call on the justice of the House in this particular case.

Mr. W. SMITH said, that one man had his whole property burned for having, at the hazard of his life, assisted in attempting to defend the house of the Inspector General. A second received the same treatment for having lodged an excise officer; and a third, because he had antecedently been one himself, though he had quitted his employment before the riots began. Mr. S. urged that these were certainly peculiar and pressing cases, and that it would be highly impolitic not to protect such people.

Mr. GILBERT hoped that there would be no discrimination, but that all the sufferers would be alike reimbursed.

DECEMBER, 1794.]

Pennsylvania Insurgents.

[H. of R.]

Mr. BOUNDNOT proposed a kind of compromise between the original resolution and the amendment by Mr. NICHOLAS. He proposed that the clause should read thus: "officers of the revenue, and other citizens aiding and assisting them." He was willing to indemnify persons who had actually suffered in defence of Government, but not other persons who might accidentally have been injured by the rioters.

Mr. DARTON was of opinion that some restriction of this sort was necessary. Citizens were in duty bound to support Government, but the latter was not in all cases bound to indemnify their losses. Let any person go through any part of the country wherever British soldiers had marched, and he would find thousands and tens of thousands of people whose property had been utterly destroyed by the wanton barbarity of these troops. Go to another part of the country and you will find people who suffered very considerably by the American soldiers, when Government did not give them an ounce of bread for pounds that they should have had. It was not possible to make satisfaction to all these people.

Mr. SEDGWICK said it was extremely disagreeable to attempt detaining the Committee with this subject, to which they discovered such general inattention, that he did not know if it had ever been equalled in any popular assembly before. He again adverted to an argument which he had used on a former day, viz: that when a private person, at the risk of his property and his life comes forward to support the execution of the laws, his service was much more meritorious, and demonstrated a much greater degree of patriotism than that of a revenue officer who was paid for his share of the business. He inferred that the sufferers by the Western rioters should all be equally indemnified.

Mr. HILLHOUSE repeated some of his former reasons for wishing to discharge the whole claims. He was therefore against the qualified amendment of Mr. BOUNDNOT.

Mr. SWIFT was against the amendment of Mr. BOUNDNOT, because he was against giving at present any thing at all. He would suffer the persons who have sustained injury from these rioters and trespassers to prosecute them at law. If they cannot get any retribution in that way, then, and not sooner, you may begin to consider upon the propriety of giving any compensation; but till the parties aggrieved have done their utmost in that way, he would have no steps whatever taken of the nature proposed. It had been alleged that the House might advance money in the meantime to the sufferers, and leave them to their actions against the rioters. But if you pay a man for his damages, what security is there that he will follow up his suit; or is it not evident that such previous compensation will greatly damp his ardor? Mr. S. said, that if previous notice were given of Government being ready to pay the damages, in case they could not be recovered before a court of law, there certainly never would be found a jury to bring in a verdict against a private person. For this reason Mr. S. was entirely against the resolu-

tion at this time. What he might do hereafter, he would not say. There was only one case wherein he could be induced to advance money. If any of these persons could prove that they had been reduced by the rioters to such poverty that they were unable to prosecute their claims in a court of law, it might then perhaps be expedient to advance for them the expenses of the suit. But the interposition of the House at this period would affect the claims very greatly, and thus confer on the rioters themselves a favor which Mr. S. was very unwilling to bestow, as he would wish them prosecuted to the utmost. Before the meeting of next Congress, it might be ascertained what could be made of these prosecutions, and then, and not till then, Mr. S. would think it proper to enter on the discussion suggested by the report of the select committee.

Mr. DEXTER drew a distinction between persons suffering by an open enemy, whose approaches they could not avoid, and those who suffer voluntarily. The claim for compensation was complete, and we should do the parties injustice if they did not receive full satisfaction.

Mr. BOUNDNOT withdrew his amendment, under the idea that the particular cases would hereafter come before the House. The question therefore reverted to its former shape, shall the words "and other citizens" be struck out.

Mr. DARTON, in opposition to Mr. DEXTER, considered the Government of the United States as more justly bound to make reparation to the people who suffered by the robberies and conflagrations perpetrated by British soldiers than to compensate the sufferers in the four Western counties; for those whose houses were burned, and whose property was destroyed by the British, had no quarter to which they could look for relief except to their own Government. The people to the Westward, on the contrary, had it in their power to prosecute the rioters, who were well able to pay them. Mr. DEXTER had said that the losses of the persons ruined by the British were upon record. Perhaps, said Mr. DARTON, they will always be on record; but nobody supposes that we shall ever indemnify these losses. He thought it prudent for the present to restrict relief to the officers of Government alone.

The question was about to be put, on the amendment proposed by Mr. NICHOLAS to the first resolution in the report of the select committee, when Mr. SCOTT rose. He said, that if there had been a proposal devised to weaken the hands of Government in the four Western counties, there was no one thing which could have effected that point so completely as the striking out of these three words, "and other citizens." If gentlemen would only reflect for a moment, he would ask them how they thought it possible that any civil officer, after the adoption of such an amendment, would ever be able to raise a posse in that part of the country? Who would hereafter venture to defend the life of an excise officer, when the world has been told, that individuals do it at their own hazard, and cannot look to Government for any compensation? Who will hereafter admit an excise offi-

H. OF R.]

Taylor and Harvey's Claims.

[DECEMBER, 1794.]

cer into his house, if that house may, with impunity, be burned about his ears? As soon as this amendment has gone abroad, everybody, instead of assisting the officers of the revenue will strive to keep out of their way, and have nothing to do with them. If there never had been anything said about making a compensation to other citizens, perhaps there might have been little harm, or at least there would have been much less harm by forbearing to give them relief. But when the subject has been fairly brought forward by the PRESIDENT in his Speech, and when it had been debated at full length in this House, when so much notice had been attracted, and so many hopes have been thrown out, to give, in the face of all this, a direct negative, would be the most impolitic step that could possibly be thought of.

The Committee then agreed to reject the amendment, and divided on the first resolution as it originally stood in the report of the select committee—yeas 46, nays 37.

The second resolution was then put for enabling the PRESIDENT to draw the sum of ——— dollars for the relief of the sufferers—yeas 41, nays 37.

Mr. SMITH then said, that seventeen thousand dollars had been mentioned in the Committee as sufficient to pay the whole damages. He proposed to fill up the blank with eight or ten thousand dollars, on account, till they should see what was to be the final amount of the claims.

Mr. HILLHOUSE and Mr. KITTERA both objected to this proposal. The Committee rose. The Chairman reported that the Committee had agreed to the report of the select committee without any amendment. The House were about to take up the report, when Mr. SEDGWICK said, that he was really concerned at thinking that there could have been any division at all about such a thing. He still hoped that a measure might be adopted which would produce unanimity on the subject, and would have a much better effect than such a division.

The bill appropriating one million one hundred and twenty-two thousand five hundred and sixty-nine dollars and one cent for the expenses of the militia in the Western expedition, was read a first and second time, and referred to a Committee of the Whole to-morrow.

WEDNESDAY, December 17.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before Congress copies of the Journal of the proceedings of the Executive Department of the Government of the United States South of the river Ohio, to the first of September, 1794.

G. WASHINGTON.

UNITED STATES, December 17, 1794.

The said Message and papers were read and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying certain

despatches from Major General Wayne, dated the seventeenth of October and twelfth of November, one thousand seven hundred and ninety-four; which were read and ordered to lie on the table.

Mr. COIT from the committee appointed to consider and report on the expediency of making any further alterations in the laws of the United States relative to the cession of the jurisdiction, by particular States, in lands where are established, or may, by law, be directed to be built and established, light-houses, buoys, and public piers, made a report; which was read, and ordered to lie on the table.

TAYLOR AND HARVEY'S CLAIMS.

Mr. PARKER moved that the House should go into a Committee on the petition and report of the select committee in the case of Isaac Taylor and John Harvey. This was done accordingly, Mr. COBB in the Chair.

The substance of the petition was to remit the duties on certain goods which had been destroyed by fire.

Mr. GOODHUE objected to the principle on which the application went. There never would be an end of such things. A fire happened lately at Boston, which destroyed perhaps ten thousand or twenty thousand pounds worth of commodities that had paid duties. What kind of business would it be if all these persons were to come forward and make a demand of compensation for their duties paid on the articles thus consumed or lost, if a gallon of rum is worth, say, a dollar, and of this thirty cents is paid in duties? When the dealer has his cask of rum lodged in his store, that part of the price of the rum paid to the revenue is as much his property, he is as much richer by the possession of this rum as he would be by having an advance of money to the same amount. The inference of the member was that in case of an accident by fire or otherwise the Legislature had no call to interfere. It was, in fact making the sufferer a present of so much money, and the House had no business to do any such thing. Claims of this kind never would have a conclusion.

Mr. FITZSIMONS considered it as an act of injustice to our constituents to waste time upon such trifling matters. The House would spend half a day in debating about an affair of two or three hundred dollars, and sometimes of only forty or fifty. Mr. F. declared that, for his own part, he would rather pay his share of the sum demanded than see the time of the House squandered on such trifles. They never would be got through. The more grants, the more petitions.

Mr. PARKER differed entirely from the member last up. He, for himself, had no interest in this case. The parties were no particular connexions of his; but he happened to be a member of the committee to whom their petition was referred, and he wished to see them have the same justice with other petitioners to that House. He differed from the member who had just sat down [Mr. FITZSIMONS] in this respect, that, whether the sum claimed in the petition was two hundred dollars or two thou-

DECEMBER, 1794.]

Extra Clerks—Pennsylvania Insurgents.

[H. OF R

sand, still the extent of the demand made no difference. If the ground was just, it was in both cases, alike their duty to give proper redress. The smallness of the demand was no solid reason for refusing or neglecting it.

Mr. W. SMITH objected, not to the giving relief in this particular case, but to the principle of affording it in any case of this nature. As soon as the present business should be disposed of, he would lay on the table a resolution for considering this practice.

To that Mr. PARKER said he had no objection: only let the present petition be in the mean time treated as others of the like nature had been.

The Committee then rose and reported progress, but leave to sit again was refused.

EXTRA CLERKS.

Mr. FITZSIMONS then observed that there had been frequent applications to the House for salaries and compensations to extra clerks, and he understood that they would have something of that kind during the present session from the Loan Office. To prevent their being harrassed in this way hereafter, he moved the following resolution, viz: That a committee be appointed to inquire into the establishment of clerks in the several Departments, and to report a plan for the number permanently to be employed in each, and their compensation.

A committee of five members was appointed accordingly, to wit: Mr. FITZSIMONS, Mr. LYMAN, Mr. SHERBURNE, Mr. WATTS, and Mr. NEW.

Mr. W. SMITH next laid on the table a resolution that a committee be appointed to consider and report on the policy of remitting the duties on goods, wares, and merchandise, where such goods, wares, and merchandise, have been destroyed by fire or other accidents.

There was then read a Message from the PRESIDENT, which had been delivered a little before, and a journal transmitted along with it, from William Blount, Governor of the Territory of the United States Southwest of the Ohio.

PENNSYLVANIA INSURGENTS.

The House resumed the consideration of the report of the select committee on that part of the PRESIDENT'S Speech respecting compensation to the sufferers by insurgents in the Western counties in Pennsylvania. When the first of the two resolutions in the report was read, Mr. SWIFT objected to the granting of immediate indemnification, on much the same ground as he adopted yesterday in the Committee of the Whole. He inquired how a person, with a compensation from that House in his pocket, could appear in a Court of Justice to prosecute a rioter for damages, when the Judge, the jurors, and every one in Court knew he had been indemnified? He enlarged, at some length, on the great pity that it would be to let those rioters and rebels escape so; and, after they had cost Government above a million of dollars, that they should not be obliged to pay these sixteen or twenty thousand.

Mr. LYMAN hoped that the House would give the money, and have done with the business.

Mr. NICHOLAS.—The more he considered this question, he was the more convinced that the House are involving themselves in embarrassment. Are you not told (said he, alluding to what had been urged by Mr. SWIFT) that, by paying these claims in the first instance, you are cutting the sinews of civil process? In any future commotion of this kind a person who has lodged an exciseman may have his house burnt from private spite against him, and not because he interfered in favor of a revenue officer. Then you are bound, by this precedent, to indemnify him; and how can you distinguish what was the real motive to that outrage? He believed it impossible ever to bring Government to such a state of perfection as that all losses suffered in defence of it should be indemnified at its charge. Where is the difference between this case and that of indemnifying the losses at sea by the British? Yet that proposal was rejected. Where is the gentleman who will say that he believes people will put themselves to the trouble of prosecuting, when they know that the money, if recovered, must go into your pockets again? Let us put the case, that a jury in the Western counties, where these points must be tried, shall find any of these people entitled to less than what you have bestowed upon them? Can you then recover the money back again? It is said that this resolution embraces but a few instances, and these of the most meritorious kind; but, in reality, it includes all citizens who have suffered. What will this comprehend, or, rather, what will it not comprehend? He supposed that the design was that the Commissioners appointed by the PRESIDENT for that effect should be sent into the Western counties to ascertain the damages. Mr. N. concluded by declaring that nothing which he had heard could induce him to go to the extent proposed; and, by giving money at present, the prosecutions would all come to nothing.

Mr. MURRAY hoped the first resolution would succeed. He really thought that the reasoning of the gentleman from Virginia [Mr. NICHOLAS] would extend to the exclusion of General Neville.

Mr. MADISON remarked, that great respect was due to this proposition, both on account of the interesting occasion that produced it, and of the quarter from whence it came. But the more he revolved the subject in his mind, the more he was convinced that great circumspection was requisite, and that the House, for many reasons, ought to take as much time in deliberating upon what they ought to do as the nature of the subject will admit. He recommended the proposal of some gentlemen to let the affair lie over to next session.

It is no doubt proper to encourage a spirit for suppressing insurrections, and this measure is certainly calculated to promote that spirit. But, in his judgment, Mr. M. feared that it would likewise encourage insurrections. A great body of people were commonly engaged in such disturbances who were not worth hanging, and to whom an established Government usually held out an amnesty. By this means great multitudes came in, and received pardon before the operations of

H. OF R.]

Pennsylvania Insurgents.

[DECEMBER, 1794.]

chastisement began. The mob, therefore, would in this case reason thus: As a crowd, we have a good chance to escape the gallows. Let us then plunder as fast as possible, because Government will disburse the loss, and we shall not be forced to disgorge our booty. Mr. M. thought that speculations of this kind might be entertained by future insurgents, if the House were instantly to vote a complete indemnification to the sufferers. Mr. M. held the highest respect for the arguments and feelings of gentlemen who espoused the other side of the question. What he himself had just now suggested, he did not regard as decisive considerations, but yet as considerations of weight. His own impression was to let the matter lie over till the next session, and then those who had done their best in prosecuting would come forward to that House to claim compensation under the most auspicious circumstances, and all which they shall have recovered will be saved to the State.

Mr. BODDNOT differed in some degree from the gentleman who spoke last. He was for doing something at present, though not so much as was implied in the first resolution. He recapitulated the danger that would arise from slackening the efforts of people to prosecute the rioters. He entirely dissented from the principle laid down by some gentlemen, that Government was in all cases bound to indemnify the losses sustained by its citizens from foreign or domestic outrage. In the war with Britain there were great numbers of people who chose rather to fight it out to the last, and permit their houses to be burned by the British troops, than accept of terms which they might have obtained. Mr. B. again proposed the amendment which he laid yesterday before the Committee, viz: that after the words "and other citizens," there should be inserted, "personally aiding and assisting them." This he thought sufficient in the mean time.

Mr. HEATH declared himself against the resolution as unsound policy. He feared that it may be an encouragement to future mischief. When an officer of the revenue finds that he is to be so easily paid—to be paid a double value for the burning of his house—will it not slacken his ardor in defence of it? Who has not heard of the rebellion of *Shays*, where a great deal of property was destroyed? People there began at the right end of the business. Law suits were commenced against the rebels, and damages were recovered. Pray, would it not be a proper bar to the recovery of damages in a Court of law to say Government has paid you? Will not these people who suffered by the Tories in the last war come next, with open mouths, and demand indemnity? We shall next have those citizens who lately suffered by the pirates of Britain hastening to demand compensation. Mr. H. considered this as the most important question which had come before Congress during the present session. He concluded by saying that he would bear his testimony against this resolution.

Mr. CARNES was of the same opinion. Mr. MURRAY had said that it would be impossible to find a jury in the Western counties who would give honest damages against the rioters, because

almost every body was on their side, and there would be no possibility of finding a jury who would pass an equitable verdict, unless recourse was had to the odious and execrable practice of packing juries. This remedy was worse than the disease; and from this Mr. MURRAY inferred the futility of compelling the sufferers to wait for the result of hopeless prosecutions, and the propriety of immediately paying the damages. Mr. CARNES asked the gentleman whether his knowledge as a lawyer did not inform him that an upright jury might be selected without having recourse to the infamous expedient of packing? When a jury were chosen, the prosecutors would be at liberty to except against them; and if they were either men of bad characters, or in any shape connected with the rioters, these exceptions would be admitted, and this process would go on till a respectable jury could be chosen. This was quite distinct from any thing like packing. He considered this explanation as a satisfactory answer to the arguments advanced by the member from Maryland; and he entertained a better opinion than that gentleman seemed to possess of the jurymen in the Western counties. Mr. C. foresaw many bad consequences that might possibly flow from this alacrity in discharging damages. What if there should be a collusive insurrection between two parties, and then, instead of twenty thousand dollars, we shall have to discharge a bill of perhaps an hundred thousand, or twice that sum? He considered it as good a plea in bar of prosecutions to say, Government has paid you. But if we are so fond of indemnifying people who suffer losses, the House may begin by satisfying the settlers in the back part of Georgia, where the Creeks within the last ten months only have done mischief to the extent of five or six hundred thousand dollars. He should be glad to hear the House disposed to indemnify these people, but it was what he did not expect. He could not see why these sufferers were not as much entitled to compensation as the others in the four Western counties. As to the Creeks, the State of Georgia was neither at war nor peace with them. Peace it was called, but in the mean time the savages were committing incessant murders. Reverting to the question before the House, Mr. C. said, that it would be most impolitic to proceed at present in the payment of these losses; and he was convinced that the PRESIDENT himself, when he made the reference in his Speech, did not intend that the thing should be acted on immediately. Mr. C. hoped that there would be a delay for the present session. The best way to ascertain the real extent of the damages was to leave the matter to the decision of a jury. When juries have determined this point, then, if the rebels cannot pay, give satisfaction to the sufferers in terms of the verdicts. The member from Maryland had said, that damages could not be accurately specified by a jury. Yes. If you pay nothing at present, but, if you pay at present, the action is barred. Mr. C. had not entirely formed his opinion on the question of compensation, but he was satisfied that it was better to make a delay.

DECEMBER, 1794.]

Pay of Militia.

[H. OF R.]

Mr. DEXTER, in reply to the supposition that this compensation would encourage future insurrections, gave it as his opinion that it would be the means of preventing them. An insurgent would say to himself, "I might escape from the prosecution of my neighbor, but, when the United States assist him, I cannot stand against both." Mr. D. conceived that the meaning of the resolution had been mistaken, and he placed the question in a light entirely new and unnoticed by any former speaker. Gentlemen had spoken as if the resolution went to the immediate and complete discharge of the whole damages, and upon this many arguments had been founded. This idea was an entire mistake, for the first resolution went only to ascertain the real extent of the damages, and did not pledge the House to pay the total amount of them. He considered this as a very material distinction, and which, in a great measure, obviated many arguments on the opposite side of the question. Mr. D. did not think, with the member from Georgia, that the same rule applied to the Southwestern settlers of that State and to parties in the present resolution. The people on the frontiers have "placed themselves in a place of danger knowingly." The Creeks were an open enemy, but the insurgents were an unexpected one. Mr. D. proceeded at great length to make a distinction between the two cases, and concluded by saying that the second resolution, which, as well as the first, he hoped would pass, went only to a temporary relief.

Mr. HARTLEY also placed a part of the question in quite a different light from any former gentleman. Since he had been a member of that House he had found occasion to read a good deal of law, and, from that knowledge of law, he had, yesterday, in the Committee, informed the House that neither General Neville nor any body else could obtain damages against the rioters in a civil action. All the arguments, therefore, which had been advanced as to whether equitable damages could be recovered before a jury, proceeded upon an error, because no civil process whatever would lie in the case. If the House were disposed to doubt his own opinion, Mr. H. could now give them that of the first law officer in Pennsylvania. Since yesterday Mr. H. had consulted that gentleman, who gave it as his express opinion that the greater crime absorbs the lesser; that a case of this kind is only a criminal action, and that no penal damages can be recovered. The crime is liable to a capital punishment; he did not mean to death; but to such a degree of punishment as the offence should be found to deserve. Mr. H. added, that if people had known that they were to be indemnified for their losses by the United States, a much greater number would have stood by the law than did so. It was not the fear of personal danger which prevented people from resisting the insurgents; it was apprehension of having their barns burned down in the night time.

Mr. DEXTER interrupted Mr. HARTLEY to inquire whether, by the laws of this State, the property of an insurgent is forfeited for his crime? Mr. HARTLEY replied that it was not. Mr. DEX-

TER then remarked, that it was very absurd to say to a man, "You are an insurgent; you have committed a great deal of mischief, but you are so very deep an offender that I cannot recover damages." Mr. HARTLEY rose again to give some further explanation, when the SPEAKER announced that he had something to communicate to the House. Mr. HARTLEY sat down, and the SPEAKER said, that he had received from the PRESIDENT some important and confidential communications, which it was requisite to read in the House this day. It did not appear that they would decide on the first resolution at present, and there was not now more time left before the common hour of rising than would be necessary for reading the communications from the PRESIDENT. The debate was instantly deferred, and the galleries cleared.

THURSDAY, December 18.

Mr. GOODHUE, from the committee to whom was referred the petition of Epaphras Jones, in behalf of himself, Stephen Gorham, Shubal Gorham, and Charles Selden, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

PAY OF MILITIA.

The House resolved itself into a Committee of the Whole House on the bill making appropriations for the expense of the Militia lately called into the service of the United States.

Some objections were made to the bill. Mr. FITZSIMONS said that they were the most extraordinary which were ever made in this House to an act of appropriation. Gentlemen had certainly never looked into the estimates, or they never could have made them. It was not pretended or supposed that, in the estimates in this act, the sums were exactly ascertained. So far from that, we have, in this bill, voted the pay at three dollars per month, whereas the House itself had since augmented that pay to six dollars and two thirds. Gentlemen need not be afraid that any money would be given out at the Treasury without a proper receipt.

One of the objections to the bill was understood to be, the fear lest more money might be voted than would be necessary, and that the United States would thus be losers. The gentleman who had made this remark admitted afterwards that the explanation was satisfactory.

The Committee rose, and the Chairman reported the bill without amendment. It was then ordered to be engrossed, and read a third time to-morrow.

FRIDAY, December 19.

WILLIAM IRVINE, from Pennsylvania, appeared, and took his seat in the House.

An engrossed bill making appropriations for the expense of the Militia lately called into the service of the United States was read the third time, and passed.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying copies

of the instructions to the engineers for erecting fortifications for the defence of the seaports of the United States, together with their reports thereupon, made pursuant to the resolution of the 8th instant; which was read, and ordered to lie.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the said bill. Whereupon,

Ordered, That the said amendments be committed to Mr. MADISON, Mr. DEARBORN, and Mr. DAYTON.

Mr. BENJAMIN BOURNE, from the committee appointed, presented a bill authorizing the transfer of the stock standing to the credit of certain States; which was read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying certain communications from the Governor of the Territory of the United States South of the river Ohio; which were partly read.

PENNSYLVANIA INSURGENTS.

The House resumed the consideration of the resolutions reported on Wednesday last, from the Committee of the Whole House, on the report of the committee to whom was referred that part of the Speech of the PRESIDENT OF THE UNITED STATES which relates to the policy of indemnifying the sufferers by the depredations of the insurgents in the Western counties of Pennsylvania. Whereupon,

The first resolution being under consideration, in the following words, to wit:

Resolved, That the President of the United States be requested to cause an ascertainment to be made of the losses sustained by the officers of Government and other citizens, in their property, (in consequence of their exertions in support of the laws,) by the insurgents in the Western counties of Pennsylvania."

The amendment of Mr. BOURNOR, on which the House had been debating on Wednesday, was read. It was for the insertion, after the words "and other citizens," of the following addition: "personally aiding and assisting them."

Mr. HARTLEY then rose, and spoke as follows: I have no great encouragement to speak, when I find that my expressions and language have been totally mistaken, both by gentlemen in this House and by the person who frequently reports the debates. On Tuesday, I had ventured to say, that I thought no great reliance could be had upon the individuals injured obtaining satisfaction by personal actions against the insurgents; that I imagined the civil remedy was merged in the offence of arson against the State, or perhaps a higher offence; that, from the state of things, we could not promise ourselves that the sufferers would be compensated by civil suits.

On Wednesday, I mentioned to the House, that, though there had been much discussion, yet, as I considered part of the House to labor under what I held to be a mistake with respect to the *lex loci*, or law of the State, which we were obliged to take into view, I held it my duty to observe, that, the day before, I had said that I thought the smaller offence, that is, the civil injury, had been merged in the greater against society; that the offence, so far as related to the State, would be arson, which had been a capital offence, punishable with death, that the punishment had been mitigated by the alteration of the penal code, but still it was a felony. I noticed that I had formerly read law a good deal with considerable attention, but since I had been in Congress, I had not been able to bestow much time upon it. I said that formerly certain principles or maxims had made impression upon my mind; that, among others, was the one under consideration, that, in arson, the injury to the individual was merged in that against society, or, at least, must give way to other; and public justice must be done in the first place. I mentioned that I had consulted one of the first law officers of the State, which is true, and he agreed with me in opinion. Indeed, he added, that no reliance should be had upon the personal remedy, but that compensation ought to be made to the sufferers.

I have no reason to change my former opinion. Really, when I consider the conduct of the Commissioners to those who made their submissions, I should imagine it was the intention of the parties that there was to be an oblivion as well of the civil as the criminal offences to those who submitted; and, as the Legislature has the power to construe the agreement, it becomes her rather to do it with magnanimity than otherwise.

Your officers, and those aiding and assisting them, ought to be protected and supported. I will now say, as I did the other day, that the fear of having their houses or barns burned, terrified many a man in the Western country from joining the standard of the law, and forced him to temporize with rebellion. When the officers know that they are to be protected in their persons and property—when the *posse comitatus* are informed that they are to be regarded in like manner—we may expect energy in the execution of the laws. The law of Pennsylvania is defective, or at least doubtful; and, if the present punishment for arson continues, the Legislature of that State will, I dare say, point out a decided remedy for the party injured against the offender. It becomes the honor and justice of the Legislature to protect and support the officers, and those aiding them. I shall, therefore, vote for the amendment.

Mr. VENABLE differed entirely from the gentleman who spoke last. He understood that pardons extended only to the offences against Government. It would, for that reason, be no hardship against the people who had received pardons to prosecute them for civil damages; and, by the statement of the member himself, actions would lie where no public prosecutions had been made.

Mr. SWIFT was of opinion that the member

DECEMBER, 1794.]

Pennsylvania Insurgents.

[H. OF R.]

from Pennsylvania [Mr. HARTLEY] was most certainly mistaken in point of law, when he imagined that the pardon granted by the Commissioners extended, or might be construed to a remission of civil offences. He did not believe it to be in the power of Government to pardon these rioters and trespassers to that length. He did not expect that the gentleman from Pennsylvania would have stood up in the House to recommend an unqualified pardon. When a million of dollars had been expended, were the House to give them fifteen or twenty thousand dollars more? He did not come there prepared to hear of a premium for insurrection. He rejected all idea of so much tenderness for rioters and rebels.

Mr. BOUNDNOT rejected all idea of the rioters being exempted from civil suits. There was but one exception, where they were executed for their crimes. He had no other view of the matter, but as a question of policy—whether it was expedient, or the contrary, to prosecute these people. He believed that, before the new Constitution, the law stood as the member from Pennsylvania represented it. But all this was much from the purpose. By far the greater number of the rioters have accepted the amnesty. Nobody imagines them exempted from prosecution. To prevent any misconception of this nature, the Commissioners, in the terms of pardon which they held out, expressly warned the people that they were to be liable to civil actions for the damages committed. It was needless, then, to embarrass the question with more difficulties than naturally belonged to it. He was satisfied that this was a mere question of policy, whether it was better to pay off these people at once, or let them first try the effects of civil actions.

Mr. DAYTON rose and asked, "Who shall decide, when doctors disagree?" Who shall declare what is the law, when the learned gentlemen of the bar are so directly opposed to each other? The House (Mr. D. observed) had, by some means, imperceptibly, and, he thought, unnecessarily, been drawn into the discussion of a common law question. Law had been aptly compared to a bottomless pit, and the sooner, therefore, that they extricated themselves from it the better. Very fortunately, (he said,) there existed no necessity for determining, in the present cases, upon any intricate point of law, as the proposals of amnesty, in their very terms, as well as in their nature, left each individual trespasser liable to suits at law on the part of the friends of good order, for the damages sustained by the one and done by the other. Mr. D. was for allowing those prosecutions to go forward, and was well informed, not only that there was far more than sufficient of the property of the insurgents to make compensation, but that it was probable they would agree together, and make up the whole among themselves, rather than be vexed by lawsuits. He could not agree with those gentlemen who expressed a wish to vote the whole amount of damages, immediately to be paid from the Treasury. He did not believe with them, that such a measure would promote the dignity, or manifest the justice, of the Government. This

would be to enter into an improper compromise with guilt. It would be to make peace with sedition, in a way that might tend to encourage rather than to discourage it in future. We were obligated, upon principle and precedent, to insure indemnity to those officers of Government, who, in consequence of a prompt and steady discharge of their duty, had suffered in their property from the resentment of the insurgents. But he wished not to do more, until the result of actions at law could be ascertained. Although the Government may offer a pardon for offences against the public, yet nothing was more clear than that the general amnesty did not, and could not, exempt the seditious offenders from answering to private persons for injuries done to them in their property.

Mr. HARTLEY rose to explain. The gentleman from Connecticut [Mr. SWIFT] had mistaken his meaning. He was going on, when

Mr. DAYTON rose, and declared that he had never put any such construction on the words of the gentleman, who certainly must have misapprehended him.

I did not mean you, sir, (said Mr. HARTLEY). I said the gentleman from Connecticut. You made a mistake of the same kind with me last session.

The amendment of Mr. BOUNDNOT was, on a division, lost—only twenty-six gentlemen rising when the question was called for.

The question on the first resolution was then called for; when it was moved to take the previous question, that is to say, "Shall the main question be now put?"

Mr. FITZSIMONS rose. He thought that this discussion comprehended a principle of the most important nature. He trusted that it would not be got rid of in this way. He was not of opinion with those gentlemen who were disposed to waive the question just now, under the notion that they should have an opportunity of voting for it at another time. He believed that the true design of moving the previous question was to lay it aside altogether. This expedient should not answer the end; for, if he had only one other gentleman in the House to second him, he would stand by the matter till he obtained an explicit answer.

Mr. McDOWELL vindicated the propriety of taking the previous question.

Mr. SEDGWICK said, that, when the British carried on a most unjust war against this country, the Ministry who began it were in time turned out. Their successors had always reprobated the war, but after the peace, they, notwithstanding, had expended several millions to support the loyalists. While the British had acted with so much liberality, did it become America to stick at the paltry sum of seventeen thousand dollars? The House had wrangled so long about this matter, that the very wages which they received for the time spent in this discussion would about have discharged the whole sum in dispute. When a wild, unprincipled, mad attempt had been made to destroy this noble Constitution, were the Representatives of this people to make it a doubt whether those who saved it from, perhaps, destruction, were to be indemnified? Mr. S. declared that he

felt more unpleasant sensations than he remembered ever to have experienced since he became a member of this House. Gentlemen might argue and argue about this drop in the bucket compared with the ocean. They might go into metaphysical deductions about whether the men who saved this Constitution were, some of them, to be reduced to beggary and misery, as the price of having done so. He would bring up the question again and again, until he had the sense of the House again. Mr. S. repeated the following argument, which he, on a former day, had pressed: He asked whether persons who, from the pure, conscious dignity of the republican character, stepped forward to support the Government, did not deserve better of it than excise officers, who were bound to and paid for their services? He was even of opinion that the conduct of the private soldiers in this case was more meritorious than that of the officers. He might be mistaken, but his opinion was so. From this language, it is not to be inferred that Mr. S. undervalued the exertions of the officers of the Army, or of the excise. He only meant that the less interest or emolument which an individual has at stake in the success of an affair, the greater is his merit in performing it. He asked what better time there was than the present for settling the amount of these claims?

Mr. HEATH was for the previous question. He thought the resolution unseasonable at this time. However little the gentleman chose to think of seventeen thousand dollars, they might grow into a precedent for seventeen hundred thousand dollars.

Mr. BOUDINOT thought that the seventeen thousand dollars were not the whole of the damages that might be claimed. When Commissioners were sent to the Westward, the demand might rise to seventy thousand. Numerous other requisitions might start up. He was for taking the previous question.

Mr. DEXTER regretted his necessity to differ from a gentleman [Mr. BOUDINOT] for whose opinions he was in the habit of entertaining the highest respect. He was against the previous question, because he disliked obliquity. Whether he was against or for the first resolution in the report of the select committee, he would give the resolution itself a fair meeting. He then inquired what better time there could be for learning the number and extent of the losses than the present? He again explained, as on Wednesday, that the House appeared to mistake the extent of the resolution, which did not imply any complete indemnification, nor even assure any relief at all. The whole only amounted to the taking of measures for obtaining information. He would not have voted for it, if he had thought that it promised complete indemnification. He thought that no future time could be so proper as the present for deciding.

Mr. SWIFT, Mr. KITTERA, and Mr. GILBERT, also spoke.

Mr. HILLHOUSE went on the same ground with Mr. DEXTER. He was one of the committee who

drew up the resolutions. They never understood that the resolution implied an assurance of complete indemnity to the sufferers.

The previous question was called for by five members, to wit: "Shall the main question, to agree to the said resolution, be now put?"

And on the previous question, "Shall the said main question be now put?" it was resolved in the affirmative—yeas 52, nays 31, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Jonathan Dayton, Henry Dearborn, Samuel Dexter, Gabriel Duvall, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Lullimer, Amasa Learned, William Lyman, Francis Mulbone, William Montgomery, Peter Muhlenberg, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, William Smith, George Thatcher, Uriah Tracy, Jonathan Trumbull, Philip Van Cortlandt, Peter Van Ganssbeck, Peleg Wadsworth, John Watts, Benjamin Williams, and Richard Winn.

NAYS.—Theodorus Bailey, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Joshua Coit, George Dent, William B. Giles, James Gillespie, George Hancock, Carter B. Harrison, John Henth, John Hunter, Richard Bland Lee, Matthew Locke, James Madison, Joseph McDowell, Alexander McBane, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, Robert Rutherford, John S. Sherburne, Jeremiah Smith, Israel Smith, Zephaniah Swift, Thomas Tredwell, Abraham Venable, Francis Walker, Paine Wingate, and Joseph Winston.

Mr. GILBERT then moved a resolution, the substance of which was understood to be to ascertain whether the losses in the Western counties were incurred in defence of Government, and how far the sufferers were capable to carry on the lawsuits themselves against the rioters.

Mr. GILES was against the amendment, the resolution itself, and the whole mode of conducting the business. He had listened to many long speeches, and been surprised that no gentleman had made the observation which he was now going to submit to the House.

[The noise had by this time become so intense, that the SPEAKER rose and reminded the members of a rule that there must be no private conversation while a member addresses the Chair.]

Mr. G. then proceeded to declare that he disliked the form rather than the substance of the resolution. If people in the Western counties had suffered injuries, why should not they, as well as every other class of citizens, come to the bar of that House and petition? An inquest was, he imagined, intended, which would unite all the back country in one common interest against the Treasury of the United States. The mode proposed by the report of the select committee was the most exceptionable of all that could have been devised. It was said that this was only an affair of seventeen thousand dollars. What evidence

DECEMBER, 1794.]

Expenses of the Militia.

[H. OF R.]

have we that the demands will stop there? Sir, there is none. The mode is, besides, totally wrong. Let persons who have suffered come here in the usual manner. It is said that a gentleman has had his house burned. Let him come here and tell us so. Mr. G. entirely scouted the idea advanced by Mr. DEXTER, that we might inquire into the extent of the losses, without a design to discharge them. If you do not mean to indemnify, why inquire at all? He did not object to relieving the sufferers, but to erect a board of inquiry, under Presidential direction, was what he never would consent to. He again repeated, that he did not mean to dissent from the principle, but from this most exceptionable of all modes for putting it into practice. Let people lay memorials of their losses before the House, which would then see distinctly what it was doing, and examine the evidence on which the claim was founded. He wondered that none of all the speakers in the debate had adverted to this distinction.

Mr. HILLHOUSE differed in every particular from the gentleman who spoke last. If petitioners come from the Westward, they are referred to a select committee. They bring all the evidence which they can muster to swell their bill. The committee have no counter-evidence, as we in this House almost never hear more than one of the parties. It is much better to send persons to the spot who can examine the subject on both sides, which we cannot possibly do, and who will be responsible to this House for their conduct. The whole arguments and ideas of Mr. H. were in direct contradiction to every thing advanced by Mr. GILES. He (Mr. H.) was satisfied that, before we undertook to pay the losses of the Western people, it was better, in the first place, to know the extent of them. The resolution amounted to nothing more than the ascertaining of this loss, and Mr. H. could see many good reasons for deferring the payment of a bill until he knew the sum to which it amounted. He could also see reasons why the mode recommended in the resolution was much preferable to that of bringing people so far to the House. Commissioners going to the spot could make themselves perfectly masters of the subject; whereas, if the parties come here, the matter will be decided on *ex parte* evidence, as it always is.

Mr. BOUDINOT considered the resolution as too loosely worded. A gentleman who had been on the expedition, and who had heard or read the report, observed to him [Mr. B.] that he himself came within the resolution, as he had suffered considerably in his business by its absence.

Mr. HILLHOUSE explained, that the resolution extended only to actual destruction. The committee never meant to compensate people for the loss which they had suffered by being banished. He was ready, if the House liked it better, to insert in the first resolution the words "property actually destroyed." This would prevent the misapprehension of the gentleman mentioned by Mr. BOUDINOT.

The House divided on the amendment of Mr. GILBERT—ayes 39, nays 33.

Mr. HILLHOUSE then moved to strike out the word "in" from the first resolution, and put into its place "by the actual destruction of" their property.

Mr. MADISON apprehended that this amendment left the resolution as bad as it was before, if not worse. A person in the Western counties had his horse stolen by the insurgents. But this did not imply the absolute destruction or annihilation of the horse. The amendment meant either too much or too little. It certainly could be no improvement on the resolution.

After some further discussion, the amendment was agreed to.

And the main question being put, that the House do agree to the said resolution, amended to read as follows:

"Resolved, That the President of the United States be requested to cause an ascertainment to be made of the losses sustained by the officers of Government, and other citizens, by the actual destruction of their property (in consequence of their exertions in support of the laws) by insurgents in the Western counties of Pennsylvania; together with a report of the particular condition of the respective sufferers, in relation to their ability to prosecute their several claims, and recover, at law, satisfaction from the insurgent aggressors."

It was resolved in the affirmative.

The second resolution on the subject of indemnification was then taken up in the House.

Mr. BOUDINOT moved the following amendatory addition:

"To aid such of the sufferers as, in his (the President's) opinion, stand in need of immediate assistance, to be accounted for by them in such manner as may hereafter be directed by law."

The amendment was carried, forty-four gentlemen rising.

The resolution, as amended, is as follows:

"Resolved, That the President be authorized to draw out of the Treasury of the United States the sum of — dollars, to be applied by him to aid such of the said sufferers as, in his opinion, stand in need of immediate assistance, to be accounted for by them in such manner as may hereafter be directed by law."

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. HILLHOUSE, Mr. FINDLEY, Mr. LYMAN, Mr. WATTS, and Mr. WILLIAM SMITH, do prepare and bring in the same.

EXPENSES OF THE MILITIA.

The House next went into consideration of the amendments of the Senate on the bill as to the expenses of the Militia. The principal of these was for augmenting the bounty on enlisting.

This produced a variety of remarks from several members, who agreed in condemning the amendment of the Senate as, to the last degree, useless, and even pernicious.

Mr. BEATTY observed, that the increase of bounty always insured a greater number of recruits, but then they were of a much worse description than those who accepted a lesser bounty. In fact, the large bounty is not the means of filling the Army. Three-fourths of such recruits run off

without ever seeing the camp. Every recruiting officer will tell you, that, if he is suffered to offer a large enough bounty, he will soon fill his company. But then, though the lesser bounty gathers men more slowly, they are much more likely to stay. With a large bounty, there are always two desertions for one.

The amendments were referred to a select committee.

MONDAY, December 22.

The House resolved itself into a Committee of the Whole House on the bill authorizing the transfer of the stock standing to the credit of certain States; and, after some time spent therein, the Committee reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Resolved, That a committee be appointed to inquire and report the means of providing for the payment of the third instalments due on a Loan made of the Bank of the United States, and for the payment of any instalments which may fall due on foreign loans, in the year one thousand seven hundred and ninety-five.

Ordered, That Mr. SEDGWICK, Mr. GILES, and Mr. IRVINE, be appointed a committee pursuant to the said resolution.

Mr. MADISON, from the committee to whom were committed the amendments proposed by the Senate to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates of the Militia of the United States, when called into actual service, and for other purposes," made a report; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to consider and report on the policy of remitting the duties on goods, wares, and merchandise, in cases where such goods, wares, or merchandise, shall be destroyed by fire, or other accident.

And a committee was appointed, of Mr. VENABLE, Mr. SCOTT, and Mr. CLAIBORNE.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to establish the office of Purveyor of Public Supplies;" to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-five," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the said bill. Whereupon,

The first, second, and third amendments were, on the question severally put thereupon, agreed to by the House.

Ordered, That the other amendments proposed to the said bill, be committed to Mr. BLOUNT, Mr. FOSTER, and Mr. JEREMIAH SMITH.

The bill sent from the Senate, entitled "An act to establish the office of Purveyor of Public Supplies;" was read twice and committed.

NATURALIZATION BILL.

The House resolved itself into a Committee of the Whole House on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

Mr. DEXTER after some observations on the importance of the subject before the Committee; and expressing his disapprobation of the facility by which, under the existing law, aliens may acquire citizenship, moved that the term of two years in the bill referring to the previous residence should be struck out and a blank left, to be filled up after more mature consideration. This motion was agreed to. Another amendment was proposed by that gentleman, referring particularly to the mercantile foreigners who may wish to acquire citizenship.

Mr. PAGE said, that he approved the design of the mover, because he thought nothing more desirable than to see good order, public virtue, and true morality, constituting the character of citizens of the United States; for, without morality, and indeed a general sense of religion, a Republican Government cannot flourish, nay, cannot long exist; since, without these, disorders will arise, which the strong arm of powerful Government can alone correct or retrieve. But he should vote against the amendment, because he thought, as his colleague [Mr. MADISON] did, that it would be attended with embarrassments to the admission to the rights of citizenship, which good men ought not to have thrown into their way; and which, too, for his part, he thought might prove insurmountable obstacles to such. Yet they would be no impediment to the views of bad men, or such as he wished to exclude from citizenship, for the best man in the United States might not procure the certificate required by the amendment, if he moved from State to State, staying no where long enough to enable two persons to swear that they had known him to be of such a character as we require, and to have supported it during the length of time which the amendment prescribes. Yet bad men, associating chiefly with men like themselves, regardless of oaths, might procure the requisite certificate. He disliked the amendment on account of its requiring an oath at all. He trusted that a Constitution much admired, and with such wholesome laws, will be an inducement to many good men to become citizens, and that, should bad men come amongst us, they will be discountenanced by the more virtuous class of citizens, and if necessary be punished by the laws. He hoped that good schools would soon be spread over all the States, and hence that good sense and virtue will be so generally diffused amongst us, that emigrants will be unable to corrupt our manners. Even at present, he relied so much on the virtue and discernment of his fellow citizens, the power of the law, and the energy of Government, as to apprehend no danger from emigration into the United States. Mr. P. said, that he knew instances of difficulties which some worthy men had met with in their endeavors to procure such certificates as the amendment proposed. He mention-

DECEMBER, 1794.]

Naturalization Bill.

[H. OF R.]

ed one clergyman in Virginia. Even Dr. Griffith, after being nominated Bishop of that State, found it difficult to procure from the Convention the certificate required by the English bishops; because, though hundreds of other persons knew his worthy character, a sufficient number of the members of the Convention had not known it, during the term specified in the certificate required.

Mr. DEXTER's motion was now withdrawn.

Mr. GILES then proposed an amendment the object of which was to impede a return to citizenship of those who should expatriate themselves. He proposed that a special law of the State from which such persons should detach themselves, should be requisite in order to their being re-instated.

Mr. TRACY, after observing, that although he was not in favor of a perpetual allegiance as understood by the British Government, yet he was of opinion that the return of persons who should expatriate themselves ought to be clogged with greater impediments than simply a law of a particular State. If the amendment is a proper one, of which he confessed he had his doubts, he would suggest to the gentleman an addition, by making a law of the General Government also necessary in the case.

Mr. GILES observed that the object of his motion was not by any means to lessen the impediments in the way of a return to citizenship, but the reverse; he should therefore agree to the amendment of the gentleman from Connecticut. The motion was afterwards considered in several points of view, as blending State and Continental legislation, as interfering with the Legislative rights of the State by some, and as operating in the same manner in respect to the right reserved by the Constitution to the General Government, which is authorized to pass uniform laws of naturalization by others.

Mr. SEDGWICK having stated that his colleague had prepared a motion with regard to the kind of evidence that an applicant should exhibit of the goodness of his moral character and of his attachment to the Government, he requested Mr. GILES to withdraw his motion for the consideration of the other, which he did, and thereupon, Mr. DEXTER moved that no alien should be admitted to the rights of citizenship, but on the oath of two credible witnesses, that in their opinion he was of good moral character and attached to the welfare of this country, which motion was seconded by Mr. SEDGWICK, who added the following observations:

He said, that the subject under consideration was certainly of great importance, and opened an extensive field of discussion. The present motion, taken in conjunction with that already adopted, had for its object to embarrass the facility, with which aliens may be admitted to the rights of citizenship. He would submit to the consideration of the committee some of the leading ideas, which had occurred to his mind on this subject.

America, he said, if her political institutions should on experience be found to be wisely adjusted, and she shall improve her natural advan-

tages, had opened to her view a more rich and glorious prospect than ever was presented to man. She had chosen for herself a Government which left to the citizen as great a portion of freedom as was consistent with a social compact. All believed the preservation of this Government, in its purity, indispensable to the continuance of our happiness. The foundation on which it rested was general intelligence and public virtue; in other words, wisdom to discern, and patriotism to pursue the general good. He had pride, and he gloried in it, in believing his countrymen more wise and virtuous than any other people on earth; hence he believed them better qualified to administer and support a Republican Government. This character of Americans was the result of early education, aided indeed by the discipline of the Revolution. In that part of the country with which he was best acquainted, the education, manners, habits, and institutions, religious and civil, were Republican. The community was divided into corporations, in many respects resembling independent republics, of which almost every man, the qualifications were so small, was a member. They had many important and interesting concerns to transact. They appointed their executive officers, enacted by laws, raised money for many purposes of use and ornament. Here, then, the citizens early acquired the habits of temperate discussion, patient reasoning, and a capacity of enduring contradiction. Here the means of education and instruction are instituted and maintained; public libraries are purchased and read; these are (said he) the proper schools for the education of Republican citizens; thus are to be planted the seeds of Republicanism. If you will cultivate the plants which are to be reared from these seeds, you will gather an abundant harvest of long continued prosperity.

Much information (he said) might be obtained by the experience of others, if, in despite of it, we were not determined to be guided only by a visionary theory. The ancient Republics of Greece and Rome (said he) see with what jealousy they guarded the rights of citizenship against adulteration by foreign mixture. The Swiss nation, (he said,) in modern times, had not been less jealous on the same subject. Indeed, no example could be found, in the history of man, to authorize the experiment which had been made by the United States. It seemed to have been adopted by universal practice as a maxim, that the Republican character was no way to be formed but by early education. In some instances, to form this character, those propensities which are generally considered as almost irresistible, were opposed and subdued. And shall we (he asked) alone adopt the rash theory, that the subjects of all Governments, Despotic, Monarchical, and Aristocratical, are, as soon as they set foot on American ground, qualified to participate in administering the sovereignty of our country? Shall we hold the benefits of American citizenship so cheap as to invite, nay, almost bribe, the discontented, the ambitious, and the avaricious of every country to accept them?

We had (he said) on this subject not only example, but warning. Will gentlemen (said Mr. S.) recollect the rage of ages which existed in the country from which we came, between the Saxon, Danish, and Norman emigrants and the natives of the country? The cruelties, the oppressions, the assassinations, in a word, the miseries to which this gave birth? Perhaps it might be said that in this instance the emigrants were hostile invaders; but the same events took place in the decline of the Roman empire, between the emigrants who were invited to occupy the vacant frontiers and the ancient inhabitants; although the former ought to have been united to the latter by every principle of affection and gratitude. By these and almost an infinity of other instances, it would not be rash to conclude, that by the undeviating principles of human nature, whenever the inhabitants of one country should be permitted to settle in another, by national affections, an union would be formed, unfriendly not only to the ancient inhabitants, but also to social order. Our own experience was not, he believed, in opposition to the general observation. Although this reasoning was to his mind conclusive against a general and indiscriminate admission of aliens to the rights of citizenship, yet he did not wish it should go to a complete exclusion.

It was said, in support of what was termed our liberal policy, that our country wanted commercial capital; that we had an immense tract of vacant territory; and that we ought not, with the avarice of a miser, to engross to ourselves the exclusive enjoyment of our political treasures.

Mr. SEDGWICK said he had never been convinced, that we ought to make so great a sacrifice of principle for the rapid accumulation of commercial capital. He had never been convinced that by an improvement of our own resources, it would not accumulate as fast as might be for the public benefit. We heard much of equality. Property was in some sense power; and the possession of immense property generated during passions which scorned equality, and with impatience endured the restraints of equal laws. Property was undoubtedly to be protected, as the only sure encouragement of industry, without which we should degenerate into savages. But he had never been convinced that the anxiety with which we wished an accumulation of capital in the hands of individuals, was founded on correct Republican reflection. The ardent ambition inspired by the possession of great wealth, and the power of gratifying it, which it conferred, had in many instances disturbed the public peace, and in not a few destroyed liberty.

The vacant lands which some with so much avidity wished to see in the occupation of foreigners, he considered as the best capital stock of the future enjoyment of Americans; as an antidote against the poison of luxury; as the nursery of robust and manly virtue, and as a preventive of a numerous class of citizens becoming indigent and therefore dependent. Whenever the time should arrive, (and may that period be very distant,) when there should no longer be presented to

the poor a decent competence and independence, as the effect of industry and economy, (which would generally by the case when lands were no longer to be obtained, on their present easy and reasonable terms,) then that description of men, now perhaps the most happy and virtuous, would become miserable to themselves and a burden to the community. Now the man who entered on the stage of life, without property, had a reasonable assurance, that a few years of industry and economy, would give him independence, competence, and respectability. The prospect gave relish and effect to his labors. He planted himself on the frontiers, and cultivated in his posterity every useful and manly virtue. This was his treasure, and it was a glorious one.

Mr. S. said he considered America as in possession of a greater stock of enjoyment than any other people on earth. That it was our duty to husband it with care; yet he could not altogether exclude such virtuous individuals, as might fly here, as to an asylum against oppression. On the one hand, he would not dissipate our treasures with the thoughtless profusion of a prodigal; nor would he, on the other, hoard them, as in the unfeeling grasp of a miser. Our glorious fabric (said he) has been cemented by the richest blood of our country, and may it long continue to shelter us against the blasts of poverty, of anarchy, and of tyranny.

The present (Mr. S. said) he believed the most inauspicious time for the indiscriminate admission of aliens to the rights of citizenship. A war, the most cruel and dreadful which had been known for centuries, was now raging in all those countries from which emigrants were to be expected. The most fierce and unrelenting passions were engaged in a conflict, which shook to their foundations all the ancient political structures in Europe. This contest was supported on the one hand by men who believed personal political distinctions were necessary to the great purpose of security, and on the other by those who thought that society could be protected and individuals secured by a Government with departments, and without checks; neither embracing the principles established here, where, without privileged orders distinct portions of power were to be deposited in different hands, in such manner that it was almost impossible for the mind even to conceive that the different departments should form an union for any mischievous purpose; and altogether impossible to believe that without such concurrence either alone should be capable of executing any wicked design.

Could (he asked) any reasonable man believe, that men who, actuated by such passions, had fought on grounds so opposite, almost equally distant from the happy mean we had chosen, would here mingle in social affections with each other, or with us? That their passions and prejudices would subside as soon as they should set foot in America? or, that, possessing those passions and prejudices, they were qualified to make or to be made the governors of Americans?

DECEMBER, 1791.]

Public Debt.

[II. OF R.]

He believed that the amendment now proposed by his colleague, in conjunction with that which had already succeeded, would on the one hand check the admission of foreigners in such numbers as might be dangerous to our political institutions; and, on the other, that it would not exclude such meritorious individuals as might be willing to serve the apprenticeship which might qualify them to assume the character and discharge the duties of American citizens.

He concluded by saying, that he had always been opposed to the policy of the Government on this subject; that his opposition had not been abated by reflection, but increased by the existing state of things in Europe.

The Committee now rose and reported progress.

TUESDAY, December 23.

An engrossed bill, authorizing the transfer of the stock standing to the credit of certain States, was read the third time and passed.

Mr. GREENUP, from the committee appointed to inquire if any, or what, alterations ought to be made to the act, passed the seventh day of June, one thousand seven hundred and ninety-four, entitled "An act concerning invalids," made a report; which was read, and ordered to a Committee of the Whole House to-morrow.

The House next went into a Committee of the Whole, Mr. COBB in the Chair, on the petition of Epaphras Jones, merchant, of New York. This petition respected a ship that had not been registered in due time, as an American bottom. The petition prayed for the remission of certain duties incurred in consequence of this neglect. After some discussion, wherein Mr. FITZSIMONS, Mr. GOODPUE, Mr. SWIFT, and Mr. GILBERT, spoke, the Committee rose; the Chairman reported progress, and asked leave to sit again. This was negatived, and the petition was referred back to the former committee.

A report was read, from the committee appointed, as to the distribution of the laws. It was ordered to be printed, and referred to a Committee of the Whole. The committee recommended that there should be printed three thousand copies, complete up to the end of the present session, of the laws; and an equal number in future. Part were to be printed in German. They were all to be distributed among the several States. Every printer of a newspaper in the United States, who can prove that he has printed the whole in his newspaper, is, at the end of each session, to receive the sum of ——— dollars of compensation. But this is not to be given to more than two printers in any one town.

The House proceeded to consider the report of the committee to whom were committed the amendments proposed by the Senate to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes;" whereupon,

Resolved, That this House doth agree to the amendments proposed to be added to the end of the said bill, with an amendment.

Mr. BALDWIN, from the committee appointed to inquire how far the Post Office law has been carried into effect, made a report; which was read, and ordered to lie on the table.

PUBLIC DEBT.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

Mr. SWIFT, of South Carolina, began by observing, that, having brought in the report which was under consideration, it might be expected that he should enter into some details, explanatory of the views of the select committee in making it. The subject was one which, from its being necessarily connected with numerical statements and dry calculations, would be likely to fatigue, were it not at the same time rendered highly interesting, by its immediate connexion with the ease and comforts of our constituents, and the credit and prosperity of our country. He should, therefore, with confidence, anticipate the attention of the Committee, while he developed the principles of the report, and pointed out the beneficial consequences which, in his estimation, would result from the adoption of it.

A proper consideration of the plan reported would lead to the following inquiries: 1st. What is the actual amount of the Debt? 2d. What is the actual state of our revenue? 3d. What will probably be the state of our revenues for a series of years to come, excluding the casualty of war? 4th. Whether all the existing revenues ought to be kept in existence for a period commensurate with the existence of the Debt, or, if short of that period, for what length of time? 5th. What disposition ought to be made of any annual surplus of revenue which may exist, after satisfying the annual appropriations for the current expenditures, the interest of the Debt and the sum annually redeemable? 6th. Whether the sale of the Western lands ought at this time to be resorted to, as an auxiliary resource for the reduction of the Debt?

1st. The actual amount of the Debt Mr. S. stated to be as follows:

Total of six per cent. stock, when the whole shall be subscribed	\$27,557,116
Six per cent. stock standing to the credit of certain States	2,845,056
	\$29,902,172
Total of deferred stock	14,951,036
Total of three per cents., about	20,000,000
Total of Domestic Debt	\$61,853,208

Of the above sum, it was necessary to remark, that about \$2,500,000 still remained in the shape of registered and unsubscribed Debt, the greatest part of which it was presumable would soon be subscribed; and that the sum of \$2,265,022 was

now the property of the Sinking Fund, subject, nevertheless, to redemption, on the same terms as the remainder of the Debt.

Such being the state of the Debt, and the Government having reserved, by the law which modified it, a right to redeem it, by payments not exceeding in each year the sum of eight dollars on every hundred dollars of the six per cent. stock, for principal and interest, it would be seen that, stating the six per cents. at \$29,902,172, the two per cent. on account of principal, which the Government has the right to pay, will be the sum of \$598,043; which sum, with the interest annually liberated thereby, will be sufficient to meet the annual instalments, according to the right reserved, until the year 1801, when the further sum of \$299,021, being the two per cent. on the deferred Debt, must be provided for the annual payment of that two per cent., besides the sum of \$897,062, as an annual provision for the interest, which will then become payable thereon. Some calculations would be hereafter exhibited to show the operation of these payments on account of the principal of the Debt, and the length of time requisite for the complete discharge of the whole of the six per cents., and deferred Debt.

2d. The second consideration was, the state of our resources.

After a survey of the state of our burdens—a picture which, however unavoidable, and the necessary price of our liberties, was still an unpleasant one—it must be highly gratifying to every patriotic eye, to survey the interesting picture which the present state of our revenues exhibited. The beauty of this picture was considerably heightened by contrasting it with the gloomy scenes displayed in the Old World, where the great and powerful nations of Europe were heaping burden upon burden on their distressed subjects, and exhausting their resources and their strength in a conflict the most bloody and obstinate that history had recorded, while this happy country, under the auspices of peace and the smiles of Providence, was increasing in its population, its commerce, and its strength, in a progression which outran all calculation.

At the close of the year 1793, there existed a surplus of revenue beyond the appropriations of \$2,487,181.

At the close of the present year, 1794, notwithstanding the extraordinary and heavy expenditures of this year, for the building of frigates, fortifications, purchase of military stores, and the expensive supplies for the Western Army under General Wayne, a surplus is stated of \$812,425.

At the close of the year 1795, the probable surplus is estimated at \$700,000; after discharging out of the revenues of that year the enormous sum of \$1,122,569, for the expense of the army employed to suppress the rebellion in Pennsylvania, in addition to a heavy expense for the regular Military and Naval Establishments, and a further sum for fortifications.

While we exult, said Mr. S., at this flourishing aspect of our affairs, ought we to withhold our gratitude from those to whose steady policy and

judicious arrangements our country is in no small degree indebted for such blessings? He was happy, for one, to avail himself of this opportunity, while he gloried, as an American, in the unparalleled prosperity of his country, to tender his small tribute of approbation to those who had contributed, by their firmness and wisdom, to preserve the peace of our country, and to fill the coffers of our Treasury, by an excellent system of administration. To the President, who had, at a most critical period, by his magnanimous conduct, stemmed a torrent which was hurrying us away to a destructive war, and to the Secretary of the Treasury, whose unremitting and assiduous labors had given energy and system to the complex machinery of an extensive and intricate Department, (and to whose fidelity and services a large committee of this House had borne testimony at the last session,) he felt that much was due, and thus feeling, he could not on this occasion suppress the sentiments he had expressed.

It is evident, said Mr. S., from the above view of our revenue, and the appropriations to which it is subject, that there will be a surplus adequate to the discharge of the instalment which the Government has the right to redeem in the year 1795.

3d. The next subject of inquiry is, whether the state of our revenues for a series of years will be likely to enable the Government to continue the regular and gradual discharge of the future instalments?

A view of this part of the subject must exclude altogether the idea of a foreign war, for all must agree that such a national calamity would at the same time dry up the sources of some of our best revenues, and divert others from those channels in which they would, in times of peace, flow for the beneficial purposes of reducing the Debt: a war, while it would necessarily interrupt the payment of the existing Debt, would as certainly create a new one, proportioned to the nature and duration of such war. Our calculations must therefore be predicated on a state of peace, and God forbid, said Mr. S., that we may ever have to make them on any other hypothesis?

The existing revenues arise from the following sources, and are estimated, in round numbers, at the following sums, viz:

Impost and tonnage	-	-	-	\$5,500,000
Excise	-	-	-	400,000
Carriage tax	-	-	-	\$150,000
Snuff and sugar tax	-	-	-	90,000
Auction tax	-	-	-	40,000
Licenses for retailing wines, &c.	-	-	-	100,000
				880,000
Surplus of dividend on Bank stock and Post Office	-	-	-	70,000
				\$6,350,000

The charges which will probably exist for a series of years, may be estimated as follows, viz:

Civil List	-	-	\$500,000
Interest on Foreign and Domestic Debt	-	-	3,100,000
Military Establishment, including pensions	-	-	1,500,000

DECEMBER, 1794.]

Public Debt.

[H. OF R.]

Naval Establishment, including pensions -	400,000	
Interest on temporary loans -	100,000	
Light-house establishments -	24,000	
	<u>5,624,000</u>	
Surplus -	726,000	
		<u>\$6,350,000</u>

The result of the above comparative view of our permanent revenues and expenditures, which is obviously to a certain extent conjectural, exhibits a surplus of above seven hundred thousand dollars, which will furnish more than the requisite sum for the annual redemption, until the year 1801, when, as already shown, further sums will be wanted, to meet the deferred Debt.

With respect to the above statement of our revenues and expenses, the following observations occur: 1st. With respect to our revenues—The impost and tonnage are estimated to produce the sum of \$5,500,000; but this calculation, I understand, is bottomed on the imports of the present year, which, it has been suggested to me by persons of commercial knowledge, greatly exceed the ordinary importations, and are attributable to the prodigious emigrations to this country, which are likely to be diminished when peace takes place, and therefore likely to cause a diminution hereafter of this branch of revenue. Should this suggestion be well founded, and the revenue from impost be reduced, the defalcation will be probably counteracted by a proportional increase of the product of the internal duties, some of which have hitherto yielded much less than they ought to have done, from obstructions which are every day lessening, and others are of too recent date to furnish a guide to an accurate estimate of their ultimate product. We may reasonably hope that the latter as well as the former will ere long yield a much larger sum than that at which they are estimated. 2d. With respect to the expenditures: The only prospect of a favorable alteration in that estimate arises from the Military Establishment, a reduction of which, to any considerable extent, would be a handsome addition to the surplus. But this is more to be hoped than expected. The precarious situation of our extensive frontiers, will, for some time, preclude every rational expectation of any considerable diminution of the Army; and, even should it take place, it is not improbable that a part of the savings in that respect may be required for Indian presents, and trading houses, for the preservation of peace. So in regard to the annual Naval Establishment, which is estimated at four hundred thousand dollars; the savings which a reduction of that establishment would produce, would necessarily be diverted to the payment of an Algerine tribute. We ought not, therefore, to reckon on much more than the annual surplus above stated, for several years to come. Events will determine, in the year 1801, when the interest on the deferred Debt shall become payable, whether any further revenues will be then wanted for that purpose. The next subject of inquiry, is, 3d,

Whether all the present revenues ought to be kept in existence for a period commensurate with the Debt, or if short of that period, what ought to be the term of their duration? On this point we must anticipate a diversity of sentiment in the Committee. It will probably be said, that as the laws of last session, imposing duties on certain internal objects, were merely experimental, and therefore limited in their duration to the term of two years, it would be inexpedient at this time to forestall a judgment of their utility and operation, and to repeal the clauses of limitation before we had an opportunity of judging of their effects on our constituents; that there is a prospect of the revenues arising from impost and tonnage, and from distilled spirits, being hereafter adequate, by their future increase, and by a probable reduction of our permanent expenses, to a full provision for all necessary objects, without the aid of these new resources; and that, at any rate, it ought to be left to the Legislature which may exist at the epoch when those laws shall expire, to judge of the fitness of a continuance of them, or of a substitution of other taxes, should further taxes be necessary; that we should, at this session, content ourselves with furnishing the means for the instalment of the ensuing year, and leave it to our successors, of whose zeal we ought to entertain no doubts, to do their duty, as we shall have done ours.

To remove the weight of these objections, two points must be investigated; 1st. Whether the revenues arising from impost and tonnage, and from distilled spirits, will alone be competent to the permanent expenses of the Union, and the regular discharge of the Debt? 2d. Whether, admitting the necessity of further resources, those of last session, arising from internal objects, are not the most likely to meet the general approbation of the country?

1st. Some remarks already made apply to the first point, and elucidate the inadequacy of the duties arising from impost and tonnage, and from distilled spirits, to the payment of our annual expenses and the regular discharge of the Debt. This point will be more clearly ascertained by stating that the aggregate product of those revenues is estimated at \$5,900,000, whereas the permanent expenditures, and the sum annually redeemable of the Debt, amount to \$6,224,000, leaving a deficiency of \$324,000, which must be supplied by other taxes. It must be further observed, that this statement does not look beyond the end of the year 1800, for the year 1801 will call for much further revenues; an annual provision must then be made for the interest on the deferred Debt, and another provision for the redemption of the capital; the former, as before stated, will require the sum of \$897,063, and the latter the sum of \$299,021, making together \$1,196,083. Hence it is demonstrable that there will be, without the aid of the new internal taxes, an annual deficiency, until the end of the year 1800, of \$324,000, and an annual deficiency after the year 1800 of \$1,520,083.

To these authentic statements, it is no answer to say that the other revenues may be increased, and that the permanent expenditure may in future

years be diminished to such extent, as to obviate a recurrence to further aids. With an equal share of the prophetic gift, I have as much right to say that the former may be diminished, and the latter may be augmented to such extent as to increase the deficiency. But even admitting the hypothesis of an increment of revenue and a diminution of expense, is there no valuable object to which any occasional surplus may be applied? Would not the application of it to the Sinking Fund be attended with the most advantageous consequences? Would not the annual purchase of the Debt greatly accelerate the extinguishment of that curse, as it has been so emphatically called, that scourge of nations, that parent of excises, the horror of a free people, that rallying point of the factions, that vital nourishment of the clubs, the standard of the anarchist, and bug-bear of the ignorant? Shall we trifle with such a foe, when we have in our hands the means to subdue him? Shall we throw over this monster only a flimsy net-work which he will break through in a few years, when we have the power to chain him down forever? Shall we administer only tampering medicines for this great State malady, as it has been termed, when we can perform a radical cure? Shall we exhibit ourselves as State empirics playing mountebank tricks with this deep-rooted distemper, this cancer on the body politic, when we hold the proper remedy to extirpate it? Shall we be mere dabbles in a matter of so much lasting importance to the energy and prosperity of the nation? No, sir, let us seize with ardor on this occasion, let us with avidity embrace the opportunity which a kind Providence, and the wisdom of our public administrators, has afforded us, of striking at the root of this national evil; let us improve all the means which the virtuous acquiescence of our fellow-citizens has set before us, to liberate our country from a Debt, which, though honorable in its origin, wise in its modification, and just in its principles, cramps our natural energy, enfeebles our means of defence, and absorbs those resources which, with proper application, would render us at all times a valuable ally and a formidable enemy. Let us avail ourselves of the present era of peace and prosperity, to lay a solid foundation for our future grandeur. A few years more of such times, and we shall have so far cut down that Debt, which now exhausts one-half of our revenues, as to be enabled, with the existing taxes, to equip a considerable fleet, to be fortified against any invasion, and to have a military strength which will set at defiance any nation which may be so rash as to quarrel with us. It is therefore no less our interest than our duty to make at this time a serious and a great effort to diminish the Debt, and to establish a permanent system for that salutary object. There can be little doubt, that, in so doing, we shall anticipate the sanguine expectations and cordial wishes of our fellow-citizens throughout the Union. The President has expressed the same sentiment; the House indeed, seemed to be under a similar impression, when they unanimously acceded to the proposition which I had the honor to make at the beginning of the session,

and which was, that "*Further* provision ought to be made for the reduction of the Public Debt; and, that a committee be appointed to report a plan for that purpose." The House, in directing the Committee to report a plan, undoubtedly meant something, not temporary and annual, but systematic and permanent. A plan excludes the idea of an annual or biennial arrangement; it contemplates an arrangement unfluctuating and durable. Any modification therefore of the Debt which would be exposed to change and instability, would be as repugnant to the unanimous vote of the House, as already expressed, as to the wishes and feelings of our constituents.

No further argument being, it is presumed, necessary to evince the expediency of drawing into our coffers other revenues than those arising from commerce and from distilled spirits, I proceed to the second consideration. 2d. Whether the duties and taxes imposed at the last session on internal objects, be not preferable to any others?

Those duties and taxes are, on manufactured sugar and snuff, on carriages, on licenses for retailing wines and foreign spirituous liquors, and on sales at auction, the duration of which is limited to the end of the session of Congress, subsequent to the month of June, 1796. From the various objects of taxation which presented themselves, these were at the last session selected by a committee composed of a member from each State; they were, after a full discussion, agreed to by large majorities in both Houses; they have been in operation many months, and no complaint has yet reached our ears; Congress have been in session near two months, and no petition has appeared against them, no motion for the repeal of any of them. To these indirect evidences of their propriety, it may be added, that they carry with them direct testimony of their merits; they are paid by those classes of the community who can well afford it; they are simple, easy and cheap in their collection: there are no other taxes which can be recommended by so many considerations; they are as popular as taxes can be; were they less so than I believe they are, the application of them to so popular an object will undoubtedly make them as much so as we can desire; if there should be any sting in any of them, the consideration of the good they will do, will remove it.

To what other source shall we apply? The impost is at its *ne plus ultra*; this is universally agreed: Stretch the cord again, and I predict that it will snap. The excise on distilled spirits is not proposed to be raised; shall we lay a land tax? Unless we wish to excite a general clamor throughout this country, that subject ought not to be meddled with; let it remain as our grand resource in case of war, when dire necessity shall compel a resort to it, and when Americans will submit to it with cheerfulness.

Impressed with the solidity of these considerations, the Select Committee have recommended a continuance of these taxes to the year 1801. It would perhaps have been expedient to have proposed a permanent appropriation of them until the extinguishment of the Debt; a spirit of con-

DECEMBER, 1794.]

Public Debt.

[H. OF R.]

ciliation induced a compromise which fixed on that epoch, when the Deferred Debt becomes payable, and when the Legislature will decide from the then state of things, whether those or other revenues shall be requisite. Anxious as I am, that no difficulties may hereafter interrupt the completion of this desirable work, my own opinion is, that these taxes should now be permanently appropriated to the redemption of the Debt, not liable to be repealed, unless others of equal value shall be substituted. The Committee will decide whether I am right in this opinion, or whether their duration ought to be limited to a period when they will probably be still more necessary than at present.

5th. As to the disposition of any annual surplus.

The Select Committee have reported that the surplus of revenue which may hereafter exist, after satisfying all legal appropriations, ought to be annually appropriated to the purchase of the Public Debt.

We may entertain a reasonable expectation, that, in times of public tranquility, and without the intervention of any unfortunate contingency, the existing revenues will in some years, perhaps in every year, yield an overplus after discharging the current demands and the redeemable part of the Debt; that overplus will be advantageously employed in buying up the Debt. This appropriation may be made in two modes, either by now declaring by law that such surplus, at the end of every year, shall be applied to the purchase of the Debt, unless the same shall be required for the public exigencies, and be specially appropriated thereto by act of Congress (of which kind of appropriation there is a precedent in our statute books,) or by recommending it by a resolution of this House to future Houses, to make such annual appropriations. The first mode appears the most efficacious and systematic.

With this auxiliary fund, a considerable impression on the Debt may be annually made by purchases; already the interest fund, arising from interest money liberated by antecedent purchases and payments into the Treasury, amounts to the annual sum of 77,164 dollars; this fund being applied, as fast as it passes into the hands of the Commissioners, to farther purchases, is annually augmenting, with all the velocity of compound interest; the accretion of the annual surplusses will still add to its celerity; the operation therefore, of the Sinking Fund, will form a valuable aid to the redemption fund. Both these funds will be annually performing their operations; the redemption fund will annually discharge that part of the principal of the six per cents, redeemable by law, even when the Debt is above par; the Sinking Fund will buy it up on beneficial terms when under par, besides operating on the three per cents and deferred.

6th. The last point relates to the Western lands, for the sale of which the Committee have recommended a provision at the present session.

On that subject, it may not be amiss to remark, that much doubt is entertained by judicious men, whether this is the proper season for proceeding to the sale of those lands.

On the one hand, it is suggested that the present state of war in that country would either impede the sale or render it unprofitable; that Congress ought therefore, to take no steps in regard to that property, until a settled and lasting peace shall have been established. On the other hand, the prospect of an approaching peace and the present rage for land speculation seem to invite to the experiment. If adventurers are disposed to purchase, notwithstanding the war, on terms advantageous to the United States, there appeared no good reasons why the Government should not, as early as possible, avail itself of this auxiliary resource to reduce its Debt. The purchasers in this case run all risks, and take upon themselves all hazards; the Government has no other care than either to sell for ready money or to have the contracts well secured. Should it be thought however that any sales, prior to a peace, will be disadvantageous to the United States, it will in that case be proper to introduce in the bill a clause declaring that the sales shall not commence until the President shall by proclamation, have announced a peace with the Indian tribes. Mr. S. then said, having thus, Mr. Chairman, touched on the different points resulting from the report, and on the subjects incident to a due consideration of it, I shall conclude with a few miscellaneous observations, not immediately falling under any of the above heads. Though they will be more obvious and applicable when the details of the bill shall come under consideration, yet it may not be altogether useless to draw the attention of the Committee to them at this time.

1st. The first consideration which occurs as a matter of detail, is the doubt whether the payment of two per cent. on the principal of the Debt is to extend to that portion of six per cent. stock which has been purchased by the Commissioners of the Sinking Fund? It appears to me expedient that it should: in that case, the amount so paid must be appropriated to the Sinking Fund; and the interest liberated by each annual payment, must go to swell the payment of the ensuing year, for it will be observed that, according to the right reserved, each annual payment on account of principal, will be larger than the payment of the preceding year, by the addition of the interest liberated in that year: by the existing laws, the interest on the Debt purchased is appropriated to the Sinking Fund; a repeal of that appropriation will therefore be necessary.

2d. The next consideration which arises is, by whom shall these payments of redemption be made? The Commissioners of the Sinking Fund present themselves as the most proper persons. The moneys requisite for the purpose will be placed at their disposal, by the proper officers of the Treasury. They will keep two separate accounts, one relating to the redemption of the Debt by annual payments, the other relating to the purchase of the Debt.

3d. Some difficulties may be suggested on the score of the certificates.

Are new certificates to be issued at every annual payment? Or, are the payments to be en-

H. OF R.]

Proceedings.

[DECEMBER, 1794.]

dorsed or noted on the certificates, or only entered on the books of the Treasury in each creditor's account?

How is a purchaser to know the value of a certificate, and what steps ought to be adopted in relation to certificates in Europe? It may be expedient to vest a discretionary power in the Treasury Department, subject to the control of the PRESIDENT, to regulate these details in the manner most convenient to the creditors, consistent, however, with a due regard to the Treasury arrangements.

4th. Another point, of no less doubt and of equal importance with the foregoing will arise, *i. e.* whether the two per cent. on account of principal shall be made quarter yearly or annually; this doubt will require Legislative decision. The advantage of paying it quarterly will be, that it will prevent the collection of large sums at the end of the year in the Treasury; but, as no interest in that case will be stopped till the end of the year, expediency dictates that the payment of the two per cent. should be made at the end of each year. Mr. SMITH concluded, with observing, that, from the calculations which he held in his hand, it appeared that, from the mere operation of the Redemption Fund, the present six per cent. Debt would be paid off in less than 23 years, and the deferred in less than 29; there would then remain only the three per cent. and Foreign Debt; but the combined operation of the Sinking Fund would greatly accelerate the discharge of the whole, and, should the Legislature think proper to increase our revenues by new taxes, we might soon expect to see a complete discharge of the Debt. At all events, said Mr. S., it will be a consolation to us all as we grow old, that the older we grow the nearer we approach that happy period, when our country, liberated from its burdens, shall rise with a vigor and elasticity which will protect our liberties from every external aggression, and preserve to us, and perpetuate to our posterity, every internal blessing.

Mr. NICHOLAS, Mr. DEXTER, Mr. HILLHOUSE, and Mr. FITZSIMONS, also spoke. The Committee then rose, and leave was granted for them to sit again.

WEDNESDAY, December 24.

The House resolved itself into a Committee of the Whole House on the bill for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina; and, after some time spent therein, the Committee rose and reported progress.

On the question, that the House will, on Friday next, again resolve itself into a Committee of the Whole House on the said bill, it passed in the negative.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said bill.

Mr. SEDGWICK, from the committee appointed to inquire and report the means of providing for the payment of the third instalment due on a Loan made of the Bank of the United States; and for

the payment of any instalments which may fall due on Foreign Loans in the year one thousand seven hundred and ninety-five, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Friday next.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt; and, after some time spent therein, the Committee rose and reported progress.

FRIDAY, December 26.

Two other members, to wit, JEREMIAH WADSWORTH, from Connecticut, and SAMUEL SMITH, from Maryland, appeared, and took their seats in the House.

A petition of William and Archibald McNeil, of Boston, in the State of Massachusetts, ropemakers, was presented to the House and read, praying a remission of the duties accruing on a quantity of hemp and yarns imported in the brig Betsey, in the month of November, 1793, which was consumed by fire, together with other property of the petitioners, on the 30th day of July last.

Ordered, That the said petition be referred to Mr. VENABLE, Mr. SCOTT, and Mr. CLAIBORNE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. HILLHOUSE, from the committee appointed, presented a bill for the ascertainment of certain losses of the officers of Government and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House, on the report of the committee appointed to inquire and report the means of providing for the payment of the third instalment due on a Loan made of the Bank of the United States, and for the payment of any instalments which may fall due on Foreign Loans, in the year 1795; and, after some time spent therein, the Committee rose, and reported the following resolution, which was twice read, and agreed to by the House, viz:

Resolved, That provision be made, by law, for the payment of any instalments of Foreign Loans which may fall due in the year 1795; and for the payment of the third instalment due on a Loan made of the Bank of the United States, out of the proceeds of any Foreign Loans heretofore made.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. SEDGWICK, Mr. GILES, and Mr. IRVINE, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have disagreed to the amendment of this House to the amendment proposed by the Senate to be added to the end of the bill, entitled "An act to regulate the pay of the non-commis-

DECEMBER, 1794.]

Naturalization Bill.

[H. OF R.]

sioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes," and do insist on their amendment to the said bill. They desire a conference with this House on the subject-matter of the said amendment, and have appointed managers at the same on their part.

The House proceeded to consider so much of the said message as desires a conference with this House on the subject-matter of the amendments depending between the two Houses to the said bill. Whereupon,

Resolved, That this House doth agree to the said conference, and that Mr. MADISON, Mr. DEARBORN, and Mr. DAYTON, be appointed managers at the same on the part of this House.

Mr. SEDGWICK, from the committee appointed, presented a bill providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States; which was read twice, and committed.

NATURALIZATION BILL.

The House again resolved itself into a Committee of the Whole House, on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

Mr. GILES proposed to amend the intended test of a citizen, by adding, after "two witnesses giving evidence as to his moral character," these words: "attached to a Republican form of Government." He thought this test proper, to prevent those poisonous communications from Europe, of which gentlemen were so much afraid.

Mr. DEXTER preferred saying "attached to the Constitution of the United States."

To this amendment Mr. GILES had little or no objection.

Mr. BOUDINOT did not see the use of either amendment. It was only giving unnecessary trouble. The oath which the person himself must take, was sufficient for expressing his fidelity to the Government of this country.

Mr. NICHOLAS considered both the amendment, and the clause to which it was annexed, as unnecessary; and even if in themselves proper, they were misplaced. He thought both equally superfluous. They should have been inserted in the oath of allegiance of the man himself.

Mr. DAYTON hoped that the whole clause would be rejected. He should be against it, unless the nature of the evidence was referred to a Court of Justice. He foresaw many difficulties arising to poor men in attempting to get two such witnesses. It might suit extremely well with merchants and men of large capital, who had, he supposed, been alluded to the other day, under the title of meritorious emigrants. He was not so anxious for them as for useful laboring people, who, as he thought, would be more likely to do good. This class, however, had never, it was likely, troubled their heads about forms of Government. He further objected to the amendment of the gentleman from Virginia, that the word Republican was entirely equivocal. This title was assumed by many Governments in

Europe, which were upon principles entirely different from ours. Some of them, such as Poland, had been Aristocracies of the most hideous form.

Mr. DEXTER hoped that the amendment of Mr. GILES would not pass, [Mr. GILES had, as before noticed, consented to withdraw it]; not so much for the sake of the principle, as of the language in which it was expressed. The word Republican implied so much, that nobody could tell where to limit it. Why use so hackneyed a word? Many call themselves Republican, who, by this word, mean, pulling down every establishment: they were mere Anarchists.

Mr. HILLHOUSE was equally against the clause and amendment. Mr. DEXTER and Mr. GILES previously declared themselves extremely doubtful whether they should even vote for the clause, when amended in their own way.

Mr. GILES felt himself extremely surprised to hear it asserted on the floor of Congress, that the words "Republican form of Government" meant anything or nothing. He read a passage from the Constitution, whereby a Republican form of Government is guaranteed to each of the United States composing the Union. He should, therefore, have imagined, that the words were well understood from one end of the Continent to the other. He did not expect such criticism. He was not sure if he should vote for the clause at all; but if he did so, he should wish the best to be made of it. He then altered his amendment to these words: "attached to the principles of the Government of the United States."

Mr. DAYTON.—With all the ambition of that gentleman [Mr. GILES] to be called a Democrat, both he and Mr. D. would more properly be called Republicans. He again vindicated his assertion as to the equivocal meaning of the word. A Venetian or Genoese might come to this country, and take the oath as proposed, and then excuse himself by saying, "it was the Republican form of my own country which I had in view." One of the best writers on the British Constitution had called that also a Republic.

Mr. MADISON was of opinion that the word was well enough understood to signify a free Representative Government, deriving its authority from the people, and calculated for their benefit; and thus far the amendment of his colleague was sufficiently proper. Mr. M. doubted whether he himself should, however, vote for the clause, thus amended. It would perhaps be very difficult for many citizens to find two reputable witnesses, who could swear to the purity of their principles for three years back. Many useful and virtuous members of the community may be thrown into the greatest difficulties, by such a procedure. In three years time a person may have shifted his residence from one end of the Continent to the other. How then was he to find evidence of his behaviour during such a length of time? But he objected to both amendments on a different ground. It was hard to make a man swear that he preferred the Constitution of the United States, or to give any general opinion, because he may, in his own private judgment, think Monarchy or Aristocracy

better, and yet be honestly determined to support this Government as he finds it.

Mr. HILLHOUSE then proposed as an amendment, to insert, that "evidence should be produced to the satisfaction of the Court."

Mr. DEXTER mentioned the abuses that have happened in the present form of admitting citizens. He did not comprehend the argument of Mr. DAYTON, that it would be more easy for a rich than for a poor man to get evidences to swear to his having resided in the country. If he had not, the fact was of a notorious nature. It would likewise be as easy for a poor man, as for a rich one, to get an attestation of his character. The point of residence was, in itself, but little. A man may have resided here for a long time, and defrauded the citizens, which would be no recommendation.

Several other gentlemen spoke. The resolution finally passed.

The second resolution produced a long conversation, in the course of which Mr. MURRAY declared, that he was quite indifferent if not fifty emigrants came into this Continent in a year's time. It would be unjust to hinder them, but impolitic to encourage them. He was afraid that, coming from a quarter of the world so full of disorder and corruption, they might contaminate the purity and simplicity of the American character.

The Committee now rose, and had leave to sit again.

MONDAY, December 29.

A petition of Nehemiah Somes, of the town of Boston, in the State of Massachusetts, was presented to the House and read, praying a remission of the duties accruing on a quantity of salt, which he imported in the ship *George*, from Lynnington, in the Kingdom of Great Britain, and was consumed, together with the store-houses in which it was deposited, by a late fire in the said town.

Ordered, That the said petition be referred to Mr. VENABLE, Mr. SCOTT, and Mr. CLAIRBORNE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of sundry manufacturers of tobacco, in the city of Philadelphia, whose names are thereunto subscribed, was presented to the House and read, praying a revision of the excise laws of the United States, and that so much of the act passed at the last session of Congress, entitled "An act laying certain duties upon snuff and refined sugar," as imposes a duty on manufactured tobacco, may be repealed.

Ordered, That the said memorial be referred to the Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting an account of the Receipts and Expenditures of the United States for the year 1793, and accompanied with an explanatory letter to him from the Com-

troller of the Treasury; which were read, and ordered to lie on the table.

Mr. GOODHUE from the committee appointed, presented a bill making further provision in cases of drawbacks; which was read twice, and committed.

Mr. GILES, from the committee appointed to prepare and report a plan for the better organizing, arming, and disciplining, the Militia of the United States, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

Mr. MADISON, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes," made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate recede from their amendment, disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes;" and do agree to the said amendment, with an amendment and modification of the same, agreeably to the report of the Joint Committee of Conference.

The SPEAKER laid before the House a Report from the Secretary of War, respecting the frigates authorized by the act "to provide a Naval armament," made pursuant to the order of the PRESIDENT OF THE UNITED STATES, conformably to the resolution of the 16th instant; which was read, and ordered to lie on the table.

Mr. GOODHUE, from the committee appointed, presented a bill supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States; which was read twice, and committed.

Mr. BLOUNT, from the committee to whom were committed the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year 1795," made a report. Whereupon,

Resolved, That this House doth agree to the said amendments.

THE PUBLIC DEBT.

The House resolved itself into a Committee of the Whole House, on the bill providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States.

[A report was read from a committee, respecting a demand made on account of the Bank of the United States. The particulars were briefly thus: Fifty thousand four hundred dollars belonging to the public were brought by sea from North Carolina to this city, and the Bank of the United States had been employed by the Secre-

DECEMBER, 1794.]

Naturalization Bill.

[H. OF R.]

tary of the Treasury to insure them. This was done as to the whole sum, excepting some hundreds of dollars, and reasons were assigned why the insurance could not be immediately completed. In a very short time news came that the ship was cast away, and the money thrown overboard. The question now was—Who should pay the small sum not covered by the insurance, and the premium of that greater part, which was insured? The whole demand was about fourteen hundred dollars. The officers of the Treasury considered the claim of the Bank as fair, and they accordingly examined and paid it: but, it was next necessary to come forward in the House, and get a particular act to indemnify themselves for having done so. These particulars are the substance of a statement made on this subject to the House, by Mr. GROVE.]

Mr. MADISON had no objection to the reasonableness of the claim; he only apprehended that a special appropriation was needless.

Mr. FITZSIMONS said, there was no doubt that the thing was not authorized by any act already made. The matter was nothing to the Bank, as the account had already been settled by the officers of the Treasury. He said that the insurance was not to be got on money at any time, as being liable to so many accidents. In the present case, for example, the underwriters did not believe that the money was really thrown into the sea. But the Captain had gone through the requisite formalities, and no more was to be got of him.

Mr. GROVE differed entirely both from Mr. MADISON and Mr. FITZSIMONS, in their opinion that no law existed by which the Treasurer of the United States was authorized to pay this money. Was he not authorized to bring this money from North Carolina? Did not this imply that he was warranted to be at the expense of insuring it? Did it not follow that he must pay for insurance, as other people did? And, as a natural consequence from these premises, it followed, that if by an accident not imputable to him a part of the sum was not covered by the underwriters, the loss must ultimately fall on the State. The Treasurer was surely warranted to act thus, and as surely entitled to reimbursement in the terms now demanded.

Mr. DAYTON had once employed a friend to insure property which was coming by sea to him. Had this friend omitted to do so, he asked whether he would have had a claim, either in law or justice, or in any other way, to make this friend responsible for the value of this property, if it had been shipwrecked and not insured? Certainly not. No more had the Government any right to retort upon the Bank, because a part, though indeed a very small one, of this money, was uncovered. Mr. D. understood very well the nature of the doubt started by Mr. MADISON, and, as he understood him, he was of that gentleman's opinion. If the fifty thousand dollars had been to come from Carolina by land, put the case, that the Secretary of the Treasury had hired wagons to bring it, and a guard to protect it: After the wagons and the guard had been paid for and dismissed, will it be said that the House was at liberty to re-

fuse reimbursing what they cost? This he thought a parallel case.

Mr. BLOUNT, Mr. MADISON, and Mr. W. SMITH, spoke each a few words. The House agreed to the report of the Select Committee.

NATURALIZATION BILL.

The House again resolved itself into a Committee of the Whole House, on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

The motion before the Committee, made by Mr. VENABLE, when they broke off the last discussion, had been to strike the word "moral" out of this amendment: "good moral character." These three words, altogether, were an addition of what was to be attested by the witnesses for a candidate to admission as a citizen.

Mr. DEXTER opened the debate on the amendment of Mr. VENABLE to the amendment, by saying that he wished to hear the reasons for it.

Mr. NICHOLAS said, that he did not make the motion; but his colleague, who had made it, thought that the insertion of the word "moral" gave too strict an air to the sentence. This word might be hereafter implied to mean something relative to religious opinions.

Mr. SEDGWICK remarked, that if no better reason than that advanced by Mr. NICHOLAS could be given for striking out the word "moral," he could not agree to it. Moral is opposed to immoral, but has no particular reference whatever to religion, or whether a man believes anything or nothing. It has no reference to religious opinions. We can everywhere tell, by the common voice of the World, whether a man is moral or not in his life, without difficulty. In some States of the Union adultery is not punishable by law, yet it is everywhere said to be an immoral action. It is too nice to make a distinction between a good character and a good moral character. The word good, itself, is very equivocal in its meaning. It signifies anything, everything, or nothing. A good companion is one thing; a good man, as applied to wealth, conveys a different sense; and so on.

Mr. B. BOURNE considered the amendment itself, and the motion of Mr. VENABLE to strike out the word "moral," as equally useless.

Mr. MURRAY hoped that the word would not be struck out. This would be the greatest slander ever cast upon the American character. It would excite the surprise of foreign nations.

Mr. VENABLE had thought the wording of the phrase too strict; but rather than have any further dispute, he withdrew his motion for striking out the word "moral."

The clause was then read, as amended.

Mr. GILBERT thought that the term of residence, before admitting aliens, ought to be very much longer than mentioned in the bill. The Chairman informed him that the term in the bill was left blank.

Mr. SEDGWICK, agreed to the idea of Mr. GILBERT. He wished that a method could be found of permitting aliens to possess and transmit property, without, at the same time, giving them a

H. or R.]

Naturalization Bill.

[DECEMBER, 1794.]

right to vote. He did not know if the Constitution authorized such a thing.

After some further conversation, the clause passed. The third resolution in the report was then read; which was, that if an American citizen chose to expatriate himself, he should not be allowed to enter into the list of citizens again without a special act of Congress, and of the State from which he had gone.

Mr. MADISON did not think that Congress, by the Constitution, had any authority to readmit American citizens at all. It was only granted to them to admit aliens.

Mr. SEDGWICK was very willing for his part, that citizens who had once expatriated themselves should never be readmitted again.

The Committee, on two successive motions to that effect, from Mr. MADISON and Mr. CILES, rose. The Chairman reported progress, and asked leave to sit again, which was granted.

TUESDAY, December 30.

An engrossed bill providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States, was read the third time, and passed.

A petition of Robert Crabb, of Amelia township, in the State of South Carolina, was presented and read, praying that he may be permitted to fund a certificate for a certain sum of money which he deposited in the Treasury of the State of Georgia, in the month of May, 1785, and which, from unavoidable circumstances, has not been funded within the time prescribed by law.

Ordered, That the said petition be referred to the Committee of Claims.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you a Report made to me by the Secretary of War, respecting the frontiers of the United States. The disorders, and the great expenses which incessantly arise upon the frontiers, are of a nature and magnitude to excite the most serious considerations.

I feel a confidence that Congress will devise such Constitutional and efficient measures, as shall be equal to the great objects of preserving our Treaties with the Indian tribes, and of affording an adequate protection to our frontiers.

G. WASHINGTON.

UNITED STATES, December 30, 1794.

The said Message and report were read, and ordered to lie on the table.

The House proceeded to consider the amendment and modification proposed by the Senate to the amendment of this House, in lieu of their amendment, disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes." Whereupon,

Resolved, That this House doth agree to the said amendment and modification.

NATURALIZATION BILL.

The House again resolved itself into a Committee of the Whole House, on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

Mr. HILLHOUSE moved as an amendment to the clause before the Committee, that if any citizen of the United States, at any time thereafter, should become a citizen or subject of any other State or country, he should not again be admitted an American citizen. This amendment gave rise to debate.

Mr. MURRAY hoped the amendment would succeed, and that any citizen of the United States who, when out of the United States, elected to be a subject of any foreign Power, should not again be permitted to the rights of complete citizenship; nor did he think it necessary to decide the question which had resulted from the ingenious arguments of his friend from Massachusetts, [Mr. DEXTER,] whether a man can expatriate himself without the express consent of the community or nation of which he is a citizen or subject. It was enough for us to say, that any man who does expatriate himself from the United States, shall not again become a citizen. He could not agree with the gentleman from Massachusetts, in the position, that a man cannot expatriate without the consent of his country. The practice of this country is a direct confutation of this doctrine; and it must be admitted, either that this country has trampled on the most solemn of social and national rights, by its practice, or that a man may leave his country and take on him the obligations of a new allegiance in this country. It seemed to him a position as conformable to sound morals as to political truth, that what a man has no right to offer, another man, or society, cannot rightfully accept. He would infer, that this country had a right to naturalize foreigners, because she has naturalized them; and that this country, by its laws, having accepted the allegiance of an alien, the alien had a right to offer that allegiance. The very proviso to naturalize an alien, without inquiry as to the consent of his own country having been previously obtained, seems to be predicated on the principle for which he contended—that a man has the right to expatriate himself without leave obtained: if he has not, all our laws of this sort, by which we convert an alien into a citizen completely, must be acknowledged to be a violation of the rights of nations. How far a man, after having been naturalized at a period of life when his reason enabled him to choose, and to enter into a solemn obligation, and after he has expressly entered into it, has a right, without the consent of the society, to quit that society, might be another question. After a citizen throws off his allegiance to this country, by leaving it and entering into a new obligation to some other nation, though he may have a right so to do, he has no right to return to his allegiance here without the consent of this society; and it is not a question of right, but of policy,

DECEMBER, 1794.]

Naturalization Bill.

[H. OF R.]

how far we will readmit him to citizenship. When he said that the right of dissolving allegiance must be admitted both to give exercise to a right and to give consistency to our principles and practice, he did not mean that a citizen could throw off his allegiance in this country, but that he must complete the act of dissolution in some other country. Such a principle would belong to the theory of the dissolution, rather than the formation of a civil society; hence appeared to him the strange solecism of that law of Virginia which provides for the throwing off allegiance within the community. The consequences of such a principle are not only destructive to the very form and body of civil society, but are unnatural. They present a civilized being belonging to no civil society on earth; for, in the intermediate state in which he stands, between the allegiance and country he has just disowned, and the allegiance and country to which he may intend to pledge himself, he is in the imaginary state of nature, which is, in reality, an unnatural state, for a being whose every faculty and quality constitutes him a moral agent, surrounded by essential relations, and, of course, impel him to discharge duties of a social nature.

He wished this Government, while it expressly adopted the right of naturalizing aliens, to do and to say nothing that involved a contradiction between its principles and practice. If it accepts the allegiance of an alien, it presupposes that the alien has the right to tender his allegiance; and one clause of the bill expressly requires of the alien an abjuration of his former allegiance, which is certainly proper. In doing this, the bill admits, unequivocally, the right of subjects and citizens to expatriate. The British Government, by a want of conformity between their first principle, as laid down in their law books, and the practice of Parliament, have shown us a singular mixture of old principles which the nation have outgrown. It is a maxim with them, that allegiance cannot be dissolved by any change of time or place, nor by the oath of a subject to any foreign Power; yet they naturalize by act of Parliament. They accept what they declare by their theory of civil law cannot be rightfully offered: nay, for one century the throne of England has presented Monarchs who were foreigners. William of Orange was a Prince, but he was a subject, too, of a foreign Power; and George the First was a member of the Germanic body. There is little danger that citizens, who are worthy of being so, will throw off their allegiance from the United States. The amendment which prohibits their readmission to a participation of all the rights of citizenship, will be a sufficient penalty, if any be necessary. Though they may have a right to expatriate themselves, there cannot be inferred a right of returning; for every body politic must have the right of saying upon what terms they will accept any addition of aliens to their numbers: and the expatriated man, no longer belonging to this society, and being an alien, the Government may choose whether he ever shall enjoy its privileges again.

Mr. BALDWIN expressed the strongest disappro-

bation at the idea of expatriating all those of our citizens who may have become subjects or citizens of another country. Many of them had been made citizens without any solicitation of their own, and merely as a mark of esteem from the Government under which they lived. They had no design whatever of renouncing their country. Yet the House, all at once, declares them incapable of returning to their former situation.

The amendment was negatived. The Committee rose, the Chairman reported progress, and the House adjourned.

WEDNESDAY, December 31.

LEMULL BENTON, from South Carolina, appeared and took his seat in the House.

The SPEAKER laid before the House a Letter from the Secretary of War covering sundry petitions; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying statements received since the twenty-ninth day of March last, in the cases of claimants to be placed on the pension list of the United States, who have obtained certificates from the Judges of the Circuit Courts, signed as Commissioners, and from the Judge of the District of Maine; which were read, and ordered to be referred to the Committee of Claims.

NATURALIZATION BILL

The House again resolved itself into a Committee of the Whole House on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

Mr. W. SMITH made a motion for striking out the clause under consideration altogether, and leaving exactly as it now stands the law regarding citizens of America, who became citizens of other countries. This was rejected.

After some further discussion, Mr. GILES proposed a new clause, which was in substance, that all such aliens, who had borne any hereditary titles, or titles of nobility in other countries, should make a renunciation of such titles before they can enjoy any right of citizenship. This renunciation is to be made in the Court where they lay claim to a right of citizenship. Mr. G. said, if we did anything to prevent an improper mixture of foreigners with the Americans, this measure seemed to him one that might be useful.

Mr. W. SMITH was entirely opposed to the motion. An attempt of this kind had been made some years ago in the Legislature of one of the States, but dropped again as having been seen to be improper. The mind of the public is completely guarded against the introduction of titles, and they will never be current here. You cannot hinder a man from calling another a Viscount. You cannot declare this a crime.

Mr. S. doubted whether the House had, by the Constitution, any right of making such a law. They were directed not to grant any titles, but their authority did not extend to the taking away

of titles from persons who were not born in the country. The Marquis de LAFAYETTE has been distinguished all over the Continent by the title of Marquis. Mr. S. hoped that he would one day be again in America, and then he would very likely be called Marquis again. By this law it would be illegal. The member then went into a long detail on English nobility, and explained the difference between several kinds of titles.

Mr. GILES did not think his motion positively necessary, but it might be useful. It seemed to be a growing practice with some gentlemen in the House to treat the most serious subjects with ridicule. He, for his own part, considered this conduct as highly improper.

Mr. DEXTER was as averse to titles as any man in the House, but he did not like to make laws against them. An alien might as well be obliged to make a renunciation of his connexions with the Jacobin club. The one was fully as abhorrent to the Constitution as the other.

Mr. PAGE highly recommended the motion of his colleague. He mentioned a particular occasion at New York, where the word *honorable* had been applied in Congress to a particular body. He had proposed to strike out this word honorable. He was ridiculed, but he stood to his point, and carried it by a great majority. If the Marquis LAFAYETTE was to return to America, he would behave with the frank manners which became a Republican. The case might be very different with a British Peer with his star and garter, and other baubles of that sort. If he were called My Lord Duke, or My Lord, or any other of these foolish names, it might tickle the ears of some people, and make them like the custom.

Mr. GILES, in reply to Mr. DEXTER, said, that if a thing be implied in the Constitution, where is the harm of expressing it? This is said to be implied in the Constitution, and therefore it is needless to express it. Now this was one of the very best arguments which could be thought of in favor of the motion. At the time when the Constitution was made, nobody could foresee the strange turn which affairs have taken, or that there might be a danger from an inundation of titled fugitives. Indeed, if no better reasoning could be adduced against his motion than that employed by the gentleman from South Carolina, he was not likely to think the worse of it. That gentleman had objected to the adoption of the motion because it agrees with the public mind. He says that the dispositions of the people will of themselves be sufficient to exclude the use of titles. It was certainly no reason against making a law in Congress, that it would exactly meet the wishes of the people. The motion might be useful. Mr. G. hoped that it would pass. Foreigners coming here with titles never will voluntarily renounce them. Mr. G. reminded the House that his proposal went only to the renunciation of titles, when the party concerned wanted to become a citizen.

Mr. W. SMITH said, that the fact was against the gentleman. Foreigners coming to this country had renounced their titles, and called them-

selves only by their plain names. Why might there not be an interdiction against persons connected with the Jacobin club? Why not forbid the wearing of certain badges of distinction used by Jacobins?

Mr. MADISON approved of the motion. He regarded it as exactly to the business in hand, to exclude all persons from citizenship who would not renounce forever their connexion with titles of nobility. The propriety of the thing would be illustrated by this reflection, that if any titled Orders had existed in America before the Revolution, they would infallibly have been abolished by it.

Mr. GILES said, that the debate had turned upon these people called Jacobins. Both these and the persons with titles were dangerous to the country. Some of the former part of the regulations in this proposed act had an eye to them. He would have more faith in an individual who came forward in an open Court and renounced his connexions with nobility. He was willing to withdraw for the present his motion.

The Committee went through the bill and rose, and the Chairman reported it with the amendments.

THURSDAY, January 1, 1795.

The SPEAKER laid before the House two letters, one from URIAH FORREST, one of the members for the State of Maryland, dated the twenty-fourth ultimo, stating the election of Benjamin Edwards, as a member of this House, in his stead, he having resigned to the Executive of the said State of Maryland; the other, from John Kilty, Clerk of the Council of the said State, dated the twenty-seventh ultimo, addressed to the said Benjamin Edwards, informing him that an attested certificate of his election as a Representative for the said State, in the room of the said Uriah Forrest, had, by order of the Council of the said State, been transmitted to the SPEAKER of the House of Representatives; which letters were read, and ordered to be referred to the Committee of Elections, with instruction to withdraw, and report presently thereon.

Mr. DAYTON, from the Committee of Elections, to whom were referred the letters from Uriah Forrest and John Kilty, Clerk of the Council of the State of Maryland, made a report; which was read, and ordered to lie on the table.

GOVERNMENT SALARIES.

Mr. CLAIBORNE said, that he had long waited for some other gentleman to bring forward the very important proposition which at length devolved upon his hands. He was not unapprised that it would draw down upon him the contempt, and perhaps the calumny too, of many. But the consolation of having honestly done his duty, and what the interest of his country demanded, buoyed him above a sordid concern for the malicious reproaches of those whose private and personal interests alone were affected by his proposition, and from whom alone he might expect to be attacked. A thorough conviction of the proprie-

JANUARY, 1795.]

Government Salaries—Naturalization Bill.

[II. OF R.]

ty of it would be a sufficient salvo for even a disappointment, and would enable him to meet, with composure and firmness, all the heavy artillery of oratory that might be levelled against him. This proposition was intended to redress the greatest and best founded complaints against the Government, viz.: exorbitant salaries to Congress, and the Executive officers of Government. He was more anxious about the success of this proposition than about any sentiments which might be entertained respecting the motives that had brought it forward, for it was reduced almost to a system to suspect gentlemen of sinister views, who advance propositions respecting pecuniary matters. Those who share the honors must be content to share the hardships of war. With these impressions, he begged leave to lay the following motion on the table. He had intended that it should be more comprehensive, but his hands were tied by the Constitution.

"*Resolved*, That a committee ought to be appointed to bring in a bill, or bills, to amend the act entitled an act for establishing the salaries of the Executive officers of Government, and their assistants and clerks; and an act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses, and to reduce all such salaries, as, in the opinion of the said committee, will bear reducing."

The resolution was ordered to lie on the table.

NATURALIZATION BILL.

"The House proceeded to consider the amendments reported yesterday from the Committee of the Whole House, to the bill to amend the act, entitled "An act to establish an uniform rule of naturalization."

Several gentlemen spoke on this subject. As to the granting of privileges to aliens, Mr. MADISON remarked, that there was no class of emigrants from whom so much was to be apprehended as those who should obtain property in shipping. Much greater mischief was to be feared from them than from any influence in votes at an election. If he were disposed to make any distinction of one class of emigrants more than another, as to the length of time before they should be admitted citizens, it would be as to the mercantile people—as these persons may, by possessing themselves of American shipping and seamen, be enabled clandestinely to favor such particular nations in the way of trade as they may think proper.

The House went through the report of the Committee, and agreed to the amendments.

Mr. GILES then rose to make his promised motion as to the exclusion of any foreign emigrant from citizenship who had borne a title of nobility in Europe till he had formally renounced it. He proceeded to observe that, agreeably to the spirit of the Constitution, we ought to have the strongest possible evidence that people of this description have renounced all pretence to a right of this nature, before we admit them into the bosom of society. Moderation had been recommended.

He requested gentlemen to observe that he con-

ducted his motion on the strictest principles of moderation. He had, in a former part of this bill, voted for some clauses which were intended to guard the Government against any disturbance from the people called Jacobins, when their principles should run to a dangerous and seditious extreme. The same spirit of candor and moderation which had induced him to vote for a precaution against the attempts of the one party, now led him to propose a precaution against the prejudices of the aristocrats, which were, upon the whole, more hostile to the spirit of the American Constitution than those of their antagonists. He also requested gentlemen to observe that his present motion went not to the invasion of any positive right. It left the individual exactly where it found him, unless he aspired to be an American citizen. Otherwise, he might retain his titles undisturbed as long as he pleased. But if he wanted any promotion of a civil nature in this country, he must rise to it by conforming exactly to the rules laid down by the Constitution itself. That code had declared no titled character admissible to any civil rank. It was not to be supposed that people born and nurtured in the lap of aristocracy would heartily renounce their titles, and become all at once sincere Republicans. It was therefore highly improper that such people should be admitted. If we are allowed to anticipate probabilities, it seems highly probable that we shall soon have a great number of this kind of persons here. A revolution is now going onward, to which there is nothing similar in history. A large portion of Europe has already declared against titles, and where the innovations are to stop, no man can presume to guess. There is at present no law in the United States by which a foreigner can be hindered from voting at elections, or even from coming into this House; and if a great number of these fugitive nobility come over, they may soon acquire considerable influence. The tone of thinking may insensibly change in the course of a few years, and no person can say how far such a matter may spread. After these, and other prefatory remarks, Mr. G. read a resolution, which was in effect as follows:

"And in case any alien applying for admission to citizenship of the United States, shall have borne any title or order of nobility in any Kingdom or State from whence he may come, he must renounce all pretensions to his title before the Court in which such application shall be made; and this renunciation must be registered in said Court."

Mr. G. observed that previous to the late Revolution the French nobility were, by the lowest calculation, rated at twenty thousand; and as we may conclude on France being successful, a great proportion of these people may be finally expected here.

Mr. DEXTER declared that he was not very anxious against the resolution. He, however, opposed it. He imagined that, by the same mode of reasoning, we might hinder his Holiness the Pope from coming into this country. He entered at some length into the ridicule of certain tenets in the Roman Catholic religion, and said that

priestcraft had done more mischief than aristocracy.

Mr. MADISON said that the question was not perhaps so important as some gentlemen supposed; nor of so little consequence as others seem to think of it. It is very probable that the spirit of Republicanism will pervade a great part of Europe. It is hard to guess what numbers of titled characters may, by such an event, be thrown out of that part of the world. What can be more reasonable than that when crowds of them come here, they should be forced to renounce everything contrary to the spirit of the Constitution. He did not approve the ridicule attempted to be thrown out on the Roman Catholics. In their religion there was nothing inconsistent with the purest Republicanism. In Switzerland about one-half of the Cantons were of the Roman Catholic persuasion. Some of the most Democratical Cantons were so; Cantons where every man gave his vote for a Representative. Americans had no right to ridicule Catholics. They had, many of them, proved good citizens during the Revolution. As to hereditary titles, they were proscribed by the Constitution. He would not wish to have a citizen who refused such an oath.

Mr. PAGE was for the motion of his colleague. It did not become that House to be afraid of introducing Democratical principles. Titles only give a particular class of men a right to be insolent, and another class a pretence to be mean and cringing. The principle will come in by degrees, and produce mischievous effects here as well as elsewhere. If such men do come here, nothing can be more grateful to a Republican than to see them renounce their titles. This does not amount to any demand of making them renounce their principles. If they do not aspire to be citizens, they may assume as many titles as they think fit. Equality is the basis of good order and society, whereas titles turn everything wrong. Mr. P. said that a scavenger was as necessary to the health of a city, as any one of its magistrates. It was proper, therefore, not to lose sight of equality, and to prevent, as far as possible, any opportunities of being insolent. He did not want to see a Duke come here, and contest an election for Congress with a citizen.

Mr. SEDGWICK was really at a loss to see what end this motion could answer. He agreed with the arguments of Mr. GILES. But the point in view was explicitly provided for already. By taking an oath of citizenship, the individual not only renounces, but solemnly abjures nobility. The title is destroyed when the allegiance is broken by his oath being taken to this Government. This abjuration has destroyed all connexion with the old Government. Why then provide for it a second time?

Mr. GILES said, that by admitting a thing to have been once done, it was admitted that it might be done again. If it had been right to do it once, there could be no harm in repeating it. The member then quoted Mr. DEXTER, who rose and declared that the gentleman had misunder-

stood him. He spoke for some time, and when he sat down—

Mr. GILES declared himself incapable of comprehending whether Mr. DEXTER was for his motion or against it. He therefore proceeded to reply to Mr. SEDGWICK, whose chief argument had been that the thing was provided for already. He did not suppose that this gentleman would allege the matter to be explicitly provided for. It only could be so by implication; which was a very bad way of making a law, because it gave room for endless disputes. If the thing is in itself right, why refuse to vote directly for it? Why leave it only to be implied? He wished to let foreigners know expressly the ground upon which they stood. Why not tell them at once, and in plain English, you must renounce your titles before you can have the privileges of an American citizen? Mr. G. pressed home this idea more than once. He meant no act of inhospitality to these emigrants. He would deprive them of no right, nor do anything unkind to them. But he was entitled by the spirit of the Constitution to withhold this right from them till they renounced all hereditary titles. This was no incivility. He concluded, by declaring that he would, if supported, call for the yeas and nays on this question. A number of members rose to support this proposal.

Mr. NICHOLAS had no objection to the motion, but that it did not go far enough. The emigrants ought to be obliged to swear not only that they abjured all titles hitherto received, but that they would never accept of any in future. He believed that this would hurt their feelings, and, sympathizing with them, he would not urge a proposal that might add to their distress, but should vote for the motion as it stood.

Mr. LEE was very sorry that the present subject had been so long agitated—he never viewed it as important—but a degree of importance had been now given to it by the calling of the yeas and nays.

Under these circumstances, it appeared to him very well calculated to impress on the public mind, that there was a real danger of the establishment of nobility or aristocratic orders in this country; and that those who voted against this motion were friendly to such a change in our political system: and that those who voted for it were the only true patriots. He trusted so much to the liberality of the mover as to rely that he neither meant unnecessarily to alarm the public mind, nor intended to inflict a stigma on those gentlemen who, entertaining an opinion of the frivolity and inefficacy of the motion, should vote against it. Mr. LEE would therefore impute the motion to the most laudable zeal to guard the public liberty. And on this ground it would be necessary to inquire what was the danger which existed that this provision was intended to protect us from. The gentleman must have felt great alarm, or he would not have introduced it. Mr. L. said, when he looked through the Constitution and Laws of the United States, and particularly when he considered the Constitutions and laws of

JANUARY, 1795.]

Naturalization Bill.

[H. OF R.]

the respective States, that he could not see the shadow of a foundation to build an alarm upon. As to mere empty names, as to sounds, we must be very corrupt, we must be very ignorant, if we could be alarmed by them. And in this free country every man had a right to call himself by what name or title he pleased: and if the mover thought proper to change his name for any other name, sound, or title, it would neither add to, nor diminish his real worth and importance; it would not give qualities to his heart which he had not before, nor detract from those he had. What were the mischiefs experienced in Europe from privileged orders? they did not flow from the names by which those orders were distinguished; they arose from the exclusive preference and privileges which those orders possessed in political rights, and in property. Without these their titles would have been mere empty gewgaws, ridiculous in the extreme, and unworthy of the acceptance of any man of common sense. Titles then did not produce the mischiefs; but the privileges annexed to titles. Mr. L. had said, in this country every man had a right to call himself by what name or title he pleased; but here no mischief could result from it, because neither political rank nor property could be attached to titles. Every citizen was equal to his fellow-citizen in political rights; and the laws of the respective States had wisely provided that property could not be accumulated in such a degree in the hands of individuals as to give them an improper influence in society. By the equal distribution of estates individuals are prevented from being so rich as to trample upon the necks of their equals. Great accumulations of property are more likely in fact to introduce the effects of aristocracy than the ridiculous names by which individuals may be distinguished. It was a slander upon the fundamental laws and political institutions of our country, to suppose that a few aliens, because they had possessed titles in foreign countries after having renounced their allegiance to those countries, even if they were disposed to do it, could as it were by magic, overturn the established habits of our people, and the liberty of the Government into which they had incorporated themselves. The body of our citizens were too enlightened, too virtuous, for Mr. L. to apprehend any danger from so trivial a cause. If worthy citizens were so corruptible, and so easily corrupted, we must relinquish the idea of ever being fit to maintain a free and Republican Government. But our citizens can distinguish between sound and reality. When we passed the excise law, it was said that the name was odious; but the Legislature, having a proper confidence in the understanding of the community, did not hesitate to pass it; because it was a just and necessary one. If nobility should ever unfortunately be introduced into this country (to which at present every circumstance is hostile, and which Mr. L. believed impossible, as long as we adhere to our present fundamental laws and virtuous habits) it would be from internal corruption, and not because a few foreigners, who once possessed titles in their

native countries, may become citizens of this. They in fact can have no privilege among us in consequence of any foreign title; but must exist in perfect equality in all social rights with the rest of our citizens.

But his colleague objected to the qualities of their hearts. To find out the heart of any man, would be a difficult task. We are liable to be deceived by every description of men. The professions of over-zealous patriots do not always secure us from their treason, or we should not so frequently in history read of Catilines and Cæsars, or lately have witnessed the tyranny of Robespierre. All these men were once flaming patriots. And if zealous patriots can turn traitors and tyrants, was it not as possible for the member of a foreign privileged order to become a good citizen? The truth is, professions and abjurations are no certain proofs of the virtue and apprehended patriotism of any man. We are secure from the danger, because every citizen here is equal. No privileged orders exist amongst us, nor can exist, unless the people shall choose to change their present Constitution and Laws, which is not to be expected. Mr. L. said, if he understood his colleague, his strongest reason why a foreign nobleman could not become a good citizen, was the education he had received; the superiority which he had been accustomed to exercise over his fellow men, and the servile court he had been accustomed to receive from them. It was, then, the corrupting relation of lord and vassal, which rendered him an unfit member of an equal Republican Government. Mr. L. feared that this reasoning applied to the existing relation of master and slave in the Southern country, (rather a more degrading one than even that of lord and vassal) would go to prove that the people of that country were not qualified to be members of our free Republican Government. But he knew that this was not the case. Though in that House the members from the State of Virginia held persons in bondage, he was sure that their hearts glowed with a zeal as warm for the equal rights and happiness of men, as gentlemen from other parts of the Union where such degrading distinctions did not exist. He rejoiced, that, notwithstanding the unfavorable circumstances of his country in this respect, the virtue of his fellow-citizens shone forth equal to that of any other part of the nation.

Mr. L. was afraid that the force of his colleague's reasoning might be extended to throw an improper imputation on the virtue of his countrymen, which he was sure could not be intended. But, Mr. L. did not think that the citizens in the South had any right to assume a superiority in political virtue, over their fellow-citizens to the East. He claimed to be equal, not to be behind them was sufficient glory. Mr. L. did not know but the proposition, if it had any effect, which he very much doubted, might collaterally affect the rights to property, which, in the course of time, might devolve to aliens in the countries from which they came, which, he believed, his colleague could not intend. In fine, Mr. L. said, until the yeas and nays were called he had received the proposition

as perfectly unimportant and frivolous. The calling of the yeas and nays had in his mind given it some importance. He believed that it was calculated, but he trusted that it was not intended, to spread an alarm—a false alarm—that Aristocracy was coming to swallow us up; and to hold up certain gentlemen who had opposed it as friends to such a system. Under such impressions, though he was personally very indifferent whether it was agreed to or not, he felt it his duty to vote against it; not being willing to countenance any measure by which groundless and unjust alarms, jealousy and suspicions, might be excited, and viewing it nugatory in the extreme.

Mr. SCOTT was sorry that so much time had been spent on the motion. We are not by the Constitution authorized to make titles; and he apprehended that if it was unlawful to manufacture a commodity at home, it was unlawful to import it from abroad. On this account he was for the resolution. If once we allow the thing to be manufactured at all, he had no doubt but titles would be as prevalent here as in Britain. He should think it very odd to see a man sitting opposite to him in that House, with a star and garter on his breast. The emigrant was as welcome to wear them as to wear his hat. Only let him wear them out of doors.

Mr. TRACY thought that more time had been spent upon the subject than it was worth. He mentioned the proceedings of the French Convention, who, sometime before they cut off the head of the Duke of Orleans, debated four days upon what name they should give him, and at last called him *Egalité*. He feared that calling for the yeas and nays thus early would look like party, as if intended to cast an odium on gentlemen who should vote against the motion.

Mr. DEXTER would vote for the resolution, if the gentleman would agree to an amendment: which was, that he renounced all possession of slaves.

Mr. THATCHER moved as a second amendment, "and that he never will possess them."

The words of Mr. DEXTER's amendment were nearly these: "And also, in case any such alien shall hold any person in slavery, he shall renounce it, and declare that he holds all men free and equal."

Mr. GILES said, that he should begin to think his motion of very peculiar importance, if such extraordinary resources were adopted to disappoint it. He was sorry to see slavery made a jest of in that House. He understood this to be intended as a hint against members from the Southern States. It had no proper connexion with the subject before the House. He had therefore no scruple in voting against it. It was calculated to injure the property of gentlemen. As to slavery, he lamented and detested it; but, from the existing state of the country, it was impossible at present to help it. He himself owned slaves. He regretted that he did so, and if any member could point out a way in which he could be properly freed from that situation, he should rejoice in it. The thing was reducing as fast as

could prudently be done. He believed that slavery was infinitely more deprecated in countries, where it actually existed, and consequently where its evils were known, than in other countries where it was only an object of conversation. Gentlemen had objected to calling for the yeas and nays. Have not the public a right to know the sentiments of the House on every question? Was it any unusual thing to call for the yeas and nays? Or was there any use for it but that the sentiments of every member might be known?

Mr. MADISON mentioned regulations adopted in Virginia for gradually reducing the number of slaves. None were allowed to be imported into the State. The operation of reducing the number of slaves was going on as quickly as possible. The mention of such a thing in the House had in the mean time a very bad effect on that species of property, otherwise he did not know but what he should have voted for the amendment of Mr. DEXTER. It had a dangerous tendency on the minds of these unfortunate people.

Mr. NICHOLAS said, that Mr. DEXTER had more than on one occasion hinted his opinion that possessors of slaves were unfit to hold any Legislative trust in a Republican Government. He was solicitous that before Mr. D. spoke on a subject, he would make himself in some degree acquainted with it. He ought to acquire some information as to the state of the country, otherwise his opinion would fall into contempt with those who knew it. Mr. N. said, that gentlemen who possessed a thousand slaves in Virginia had no more influence on their neighbor who had not one than that neighbor had on them.

Mr. DEXTER complained of the attempt to take the yeas and nays, as a design to hold up certain people to public odium. He would withdraw his amendment if the gentleman would withdraw his motion.

Mr. HEATH was unwilling to impute any uncandid motives to gentlemen, but he thought this introduction of slavery as at best highly improper. He read a clause of the Constitution prohibitory of proposing an abolition for many years to come. He then asked how gentlemen, in the face of an express article of the Constitution, could propose an amendment like that of Mr. DEXTER.

Mr. SEDGWICK rose in some warmth. He said that there was no design in calling for the yeas and nays but to fix a stigma upon gentlemen in that House as friends to a nobility, when they were no such thing, and to raise a popular odium against them. To propose an abolition of slavery in this country would be the height of madness. Here the slaves are, and here they must remain.

A question of adjournment was now carried by 43 against 29. So the motion of Mr. GILES stands over till to-morrow.

FRIDAY, January 2.

The SPEAKER laid before the House a Letter from the Governor of the State of Maryland, enclosing a return of the election of Benjamin

JANUARY, 1795.]

Naturalization Bill.

[H. OF R.]

Edwards, to serve as one of the members of this House for the said State, in the room of Uriah Forrest, who has resigned his seat; as, also, a Letter from the said Uriah Forrest to the said Governor of Maryland, dated the eighth day of November last, stating his resignation; which were read, and ordered to be referred to the Committee of Elections.

Mr. DAYTON, from the committee of Elections, to whom was recommittd their report of yesterday on the letters from Uriah Forrest and John Kilty, Clerk of the Council of the State of Maryland, and to whom was, this day, referred the Letter from the Governor of Maryland, with its enclosures, made a report; which was read as follows:

"That it appears, from a certificate signed by the Governor of the State of Maryland, in Council, and under the seal of the said State, that Benjamin Edwards was duly elected to serve in the House of Representatives of the United States, in the place of Uriah Forrest, who had resigned his seat.

"That the resignation of Uriah Forrest satisfactorily appears from his Letter of the twenty fourth of December, directed to the Speaker of the House of Representatives.

"*Resolved*, That, in the opinion of the committee, Benjamin Edwards is entitled to take a seat in the House, as one of the Representatives for the State of Maryland, in the room of Uriah Forrest."

The said resolution was again read, and, on the question put thereupon, agreed to by the House.

Mr. EDWARDS then appeared, and the oath to support the Constitution of the United States being administered to him by Mr. SPEAKER, he took his seat in the House as one of the Representatives for the State of Maryland, in the room of Uriah Forrest.

NATURALIZATION BILL.

The House resumed the consideration of the amendments reported on Wednesday last from the Committee of the Whole House to the bill to amend the act entitled "An act to establish an uniform rule of naturalization." Whereupon,

The amendment moved yesterday to the said bill being under consideration, in the words following, to wit:

"And in case any such alien applying for admission to become a citizen of the United States, shall have borne any hereditary title, or been of any of the orders of nobility in the Kingdom or State from which he came, in addition to the requisites of this, and the before recited act, he shall make an express renunciation of his title, or order of nobility, in the Court to which his application shall be made, before he shall be entitled to such admission; which renunciation shall be recorded in the said Court."

A motion was made and seconded to amend the said amendment, by adding to the end thereof the words following to wit:

"And, also, in case such alien shall, at the time of his application, hold any person in slavery, he shall in the same manner renounce all right and claim to hold such person in slavery."

On the question that the House do agree to the said amendment to the amendment,

Mr. BOURNE said he was against both amendments. He saw no use either for the one or the other. He recapitulated the numerous checks which the Constitution had framed against nobility getting into it. He, therefore, with all these checks, could see no danger from it. So much for the expediency of the proposal. He next considered it in a different point of view. A foreigner comes, perhaps with a title, which he has derived from a long train of ancestors, and, with a very pardonable infirmity, he is fond, he is perhaps proud, of this badge of nobility. Is it polite, is it generous, to force him to renounce it? If it is an hereditary title, he can renounce only for himself. His children still inherit the right. Mr. B. wished both amendments withdrawn.

Mr. RUTHERFORD said, the people of America had an exceeding aversion to the bubble of nobility. He had so much confidence in the wisdom, good sense, and public spirit of the gentlemen in this House, that he was sure the amendment would be carried by a very great majority. He was equally certain that the amendment of the other gentleman [Mr. DEXTER] would be rejected. It went to wound the feelings and alienate the affections of six or eight States in the Union. He was against the yeas and nays. He wished for a silent vote.

Mr. McDOWELL.—When the gentleman from Massachusetts first brought forward the motion on the table, Mr. McD. could not think he was sincere, from the idea which he had formed of the candor and good sense of that gentleman. But, much to his surprise, Mr. D. persisted in supporting the propriety of his motion, which is not only an indirect attack on the State Governments, but even on the Constitution of the United States, and on the members of this House who represent the Southern States. This amendment not only tends to irritate the minds of members, but of thousands of the good citizens in the Southern States, as it affects the property which they have acquired by their industry. Thus it cools their affections towards the Government, as they will find that one part of the Government is about to operate on their property in an indirect way. The gentleman dare not come directly forward, and tell the House, that men who possess slaves are unfit for holding an office under a Republican Government. Mr. McD. recalled to the mind of the House the conduct of the people that compose the Southern States, during the late war, and their struggle for American Independence. He then bade the House review the behaviour of their Representatives, under the present Government, and say whether they do not partake more of the Republican spirit than the members from the Eastern States. The latter, also, no doubt had members who did honor to the States which they represented, and to the United States. He thought the amendment of Mr. DEXTER partook more of monarchical or despotic principles than any thing which he had seen for some time. What right had the House to say to a particular class of people, you shall not

have that kind of property which other people have? This was the language of the motion, and he considered it as highly unjust. Mr. McD. wished the gentleman to consider what might be the consequence of his motion, at this time, when the West Indies are transformed into an immense scene of slaughter. When thousands of people had been massacred, and thousands had fled for refuge to this country, when the proprietors of slaves in this country could only keep them in peace with the utmost difficulty, was this a time for such inflammatory motions? He was amazed that a gentleman of whom he had so high an opinion, could, for a moment, embrace an idea, which was, in all points of view, so extremely improper and dangerous.

Mr. DEXTER chiefly excused his motion because the other gentlemen had been for taking the yeas and nays. The tenor of his argument seemed to be this: You want to hold us up to the public as aristocrats. I, as a retaliation, will hold you up to the same public as dealers in slaves. Mr. D., however, did not wish to irritate. He for that reason, withdrew his motion, under the hope that the yeas and nays would not be taken.

Mr. GILES said, that no person could be more anxious than himself to conciliate. But he could not submit to purchase conciliation by sacrificing his opinion, or betraying his duty. He should, on that account, stand by his amendment. It had been said that he called for the yeas and nays for the purpose of holding up to popular detestation a certain party in that House. Such an idea had never entered into his mind. He then commenced a vindication of the propriety of his amendment against the observations of Mr. BOURNE, who had, among other things, alleged that it had no proper relation to the spirit of the Naturalization Bill. After defending it, on this quarter, Mr. G. proceeded to answer something that had been alleged yesterday against his amendment. This was that it had been calculated to hold up an idea to the world, that there was a party in that House in favor of Aristocracy. If there is no such party, a general vote for the amendment will prove that this report is without foundation. In reality, there is no connexion between the amendment and any such scheme. The idea must have been in the head of the member himself. It is not the amendment, but the use which the gentleman makes of it, that can have any tendency that way. Mr. G. never could have thought of such a way of holding up a party. As to the amendment of Mr. DEXTER, he, Mr. G., held property sacred, and never could have consented to prohibit the emigrant nobility from having slaves any more than other people. But as for titles of nobility, they were quite a different thing. They were but a name, and people were not obliged even to give them up, unless they wanted to become American citizens. As the call of yeas and nays had given such uncommon uneasiness, he, for his own part, should give it up. He was careless how the vote was taken. The other gentlemen who supported his call might act for themselves.

Mr. LEE said, he hoped that to-day the question would have been taken without further debate; he had no disposition to say any thing more on it; and should have remained silent if his colleague [Mr. GILES] had not made some strictures on the observations which fell from him on the preceding day.

Mr. L. repeated, that he had not viewed the motion of any importance till the yeas and nays were called—that in itself it could do no good. He maintained, however, that, under its present aspect, it was well calculated to alarm the public mind about a danger that did not, and could not, exist, under the circumstances of our country; and that particularly to-day, it had more the appearance of an engine to exalt the patriotism of some gentlemen, and throw an unjust odium on others. He did not mean to say that this was the design of it. But it being nugatory in itself, and the danger against which it was said to guard us, being too ridiculous to excite a momentary apprehension in the minds of our enlightened fellow citizens, it wore too much such an appearance. Under this view, Mr. L. thought it looked too much like that spirit of denunciation, which his colleague so greatly lamented on a late occasion—self-created societies—a spirit that was calculated to engender the violent and rancorous passions of the human heart in this House, and scatter them through the community. A spirit which, if indulged, might arm in hostility and hatred to each other, the two ends of this Continent, and produce consequences fatal to the peace and prosperity of both.

Mr. L. always thought the Eastern and Southern States were well situated to unite on terms of the greatest reciprocal benefit. That, for the good of his own country, he valued such an union above all things. He knew, in particular, that it was highly important to the interest of the people whom he represented, to conciliate the cordial and affectionate esteem of their Eastern brethren. That this was not only important to his constituents, but to the whole State, and all the Southern country; as on it must materially depend the preservation of our Union, which Mr. L. feared was more necessary to our safety and prosperity than to theirs. Mr. L. said, he never saw any reason to suspect the Eastern people of anti-Republican principles; that there was no just ground to accuse them of such principles in any manner. Mr. L. had always thought that the Southern country had no right to claim a superiority over their Eastern brethren in Republican virtue. Mr. L. always lamented that his country was not, in some points, so fortunately situated as the Eastern States; but still, he rejoiced to find just ideas of liberty, and a proper respect to the rights of men, animating all the citizens of it; and in public virtue they had a right to rank with their brethren to the North and East of them. Mr. L. thought that his colleague's strongest argument was the corrupting relation which existed in Europe between noblemen and their dependants. Mr. L. feared that this argument might too readily be extended to the situation of his country,

JANUARY, 1795.]

Naturalization Bill.

[H. OF R.]

and conclusions very disparaging to their Republic—can virtue drawn from it, from which he had felt it his duty to vindicate them.

Mr. L. believed that the people throughout America were all animated by an equal zeal for the liberty and happiness of their country. As a person, therefore, anxious to preserve our harmony and union, he always felt pain at any question, which was, in any degree calculated to excite suspicions of each other and produce enmity, when concord was so much the interest of all. This proposition had, to his mind, a very denouncing aspect; and, as such, he felt it his duty to discountenance it, and every thing of the same sort, without presuming to ascertain or question the motives or designs of the mover. Mr. L. could not help viewing the motion as capable of guarding us from no one danger, but as well fitted to produce unnecessary alarm and irritation.

Mr. L. was indifferent how the question was decided; but, being a friend to harmony and union, he could by no means countenance by his vote any thing that might be construed to denounce a most respectable and patriotic part of this House.

Mr. HILLHOUSE observed, that when the amendment was first introduced, he considered it as altogether harmless and unnecessary; but, being friendly to what appeared to be the object of the mover, that is, keeping out privileged orders from among us, he was inclined to vote for it. Yet, upon more mature reflection, he was of opinion that if the provision contained in the amendment had any effect at all, it would be a directly contrary one from what was intended, and would indirectly establish the principle that privileged orders might be introduced and exist among us, a principle which he wholly rejected and reprobated; and, as he did not doubt that the views of the gentleman who moved the amendment were similar to his own on that subject, he hoped that, upon further consideration, he [Mr. GILES] would withdraw it. It was his opinion that the ground upon which foreigners should be admitted to a share in the administration of our Government ought to be narrowed in every possible way, and if the gentleman would so modify the amendment as wholly to exclude that class of foreigners, or any other, from ever becoming citizens, so far as to elect or be elected to any office, he would most heartily join in giving his vote for it. In those nations where privileged orders are admitted, the benefits and advantages arising from it have been considered as merely local, so that, if a nobleman removes from one nation to another he is not considered as carrying with him the privileges of his order; as, for instance, if a nobleman from any other nation removes to England, where an hereditary nobility is established by law, and even becomes naturalized, he is not a peer of England; he is no more than a private subject, and can claim nothing on account of his former rank. The Convention who formed our Constitution undoubtedly viewed the subject in that light, or they would have been equally anxious to have provided against the importation as of the

creation of nobility; but, passing this amendment will, as far as the influence of a law and the opinion of Congress can go, be putting a different and wrong construction upon the Constitution, and will be admitting that there may be some other mode of introducing a privileged order or a nobility among us, than the one guarded against in the Constitution; for, if a law is passed requiring a person, before he shall be admitted to a certain privilege, to renounce some other privilege, it is clearly admitting that such person does or may possess such privilege, otherwise the law is futile, requiring a person to renounce what he does not, or cannot possess.

If we pass the present amendment, the construction must be, that an alien, after residing in this country, abjuring his allegiance to his own, offering to become a citizen of, and taking the oath of fidelity to, the United States, is in possession of the rights of a privileged order to which he may have belonged; and further, that their rights are hereditary, unless he shall, agreeably to the amendment, come forward and renounce them. But what will be the consequence of his not renouncing? Most clearly that he retains and possesses them. A nobleman, then, may come to the United States, marry, purchase lands, and enjoy every other right of a citizen, except that of electing and being elected to office. His children, being natural born citizens, will enjoy, by inheritance, his title, and all the rights of nobility and a privileged order which he possessed, an idea which ought not, either explicitly or impliedly, to be admitted.

As to the impression which may be made on the popular opinion, by voting on one side or the other of the present question, Mr. H. felt no anxiety. He had too good an opinion of the understanding and discernment of his constituents, and of the people of the United States, to suppose they would believe him a friend to privileged orders or a nobility, for voting against a proposition which, in his opinion, was at least altogether futile, if not of a tendency directly opposite to what is proposed. Was any gentleman to sacrifice his judgment to an apprehension of losing his popularity, he would most certainly not only merit but meet with their contempt. The people of the United States are not tickled with sounds; they regard the substance.

Mr. J. WADSWORTH rose next. He had been up four times before, but, other gentlemen always rising along with him, he had sat down again. Mr. W. said, that a rage against nobility and privileged orders now pervades the whole world. He really did not see the use of this amendment. It put him in mind of an old law which, within his memory, had been in use. When a man had shot himself, his neighbors were not contented with the certainty of his being dead in this world, and damned in the next, but, besides all this, they drove a stake through his body. Mr. W. regarded nobility as in a similar situation with such a man, for nobility appeared to him in the certain road to instant destruction; and this amendment of Mr. GILES, he thought, was like driving in the stake. The latter practice had been laid aside, and he

thought that the amendment deserved the same fate. He reminded the House that the time had been when America was very much indebted to nobility, and very glad to see them fight her battles. We might now perhaps be taxed with ingratitude on that head, for some of those identical French noblemen, who, during the late war, had rendered us essential service, were now in this country in a state of beggary, subsisting on the charity of their friends. Others of the same noblemen were in dungeons, and some again had got their heads chopped off. He was warranted to say that many of these noblemen when here, during the war, and long before a French revolution had been talked of, were, in their hearts, as good Republicans as any Americans whatever. We had seen, some time ago, a party spirit rising in the United States. He had observed that the thing was dying away, but the present amendment would afford a new theme. The newspapers are extremely numerous, and he doubted not that the writers in them would embrace so notable an opportunity for exercising their talents. As to the notion that there was a danger of nobility being introduced into this country, the thing was held in such detestation in America, that he had no more apprehension of its obtaining a footing here than he had that there would arise a new race of men without heads, or with their heads placed below their shoulders, or any other unnatural production. In short he did not know a thing so impossible as the establishment of an American nobility. Knowing this, he regarded the amendment as entirely useless. As to the call for the yeas and nays having an impression on his vote, that was out of the question. He knew his constituents, and they knew him; and they were both too well acquainted with each other for a trifle of this nature to have any influence. To him the call was a matter of the utmost indifference, and he took this opportunity to declare frankly that he should vote against the amendment, whether the yeas and nays were called or not.

Mr. NICHOLAS could not consent to abandon the proposition. It might be said that he did so in terror of the amendment of Mr. DEXTER, which he thoroughly despised.

Mr. BODDINOT had not designed to speak on this question, but there was one objection to the amendment, which occurred to him, and which had not been noticed by any gentleman. This was, that it would be an act of injustice to make a man do an act in this country which might affect his own interest and that of his family in another. This case might very possibly happen. A person, by renouncing nobility here, might be debarred from claiming its privileges in another place, when it would, perhaps, be for his advantage.

Mr. AMES observed, that too much attention had been given to the amendment as an abstract question. Nothing tended more to bewilder and confuse a debate than such a departure from the subject into abstractions and refinements; for, although by this means we found that plain principles were rendered obscure, and reasonable doctrines carried

to excess, yet we did not seem to reflect that nothing is more opposite to just principles than the extremes of those principles. For instance, it would not be safe or proper indiscriminately to admit aliens to become citizens, yet a scrutiny into their political orthodoxy might be carried to a very absurd extreme. The merit of the amendment depends on its adaptedness to the end proposed by the bill, and what is that? To make a rule of naturalization for the admission of aliens to become citizens, on such terms as may consist with our tranquility and safety. Now, said he, do we think of refusing this privilege to all heretics in respect to political doctrines? Even that strictness would not hasten the millennium. For our own citizens freely propagate a great variety of opinions hostile to each other, and therefore, many of them deviate widely from the intended standard of right thinking; good and bad, fools and wise men, the philosopher and the dupes of prejudice, we find could live very peaceably together, because there was a sufficient coincidence of common interest. If we depend on this strong tie, if we oblige foreigners to wait seven years till they have formed it, till their habits as well as interests become assimilated with our own, we may leave them to cherish or to renounce their imported prejudices and follies as they may choose. The danger of their diffusing them among our own citizens, is to be prevented by public opinion, if we may leave error and prejudice to stand or fall before truth and freedom of inquiry.

Can the advocates of the amendment even affect apprehensions that there is any intention to introduce a foreign nobility as a privileged order? If they can, such diseases of the brain were not bred by reasoning and cannot be cured by it. Still less should we give effect by law to chimerical whimsies. For what is the tendency of this counterfeited alarm? Is it to rouse again the sleeping apparitions which have disturbed the back country? Is it to show that the mock dangers which they have pretended to dread are real? Or, is it to mark a line of separation between those who have the merit of maintaining the extremes of political opinions, and those whom this vote would denounce as stopping at what they deem a wise moderation? If that is the case, it seems that the amendment is intended rather to publish a creed than to settle a rule of Naturalization. Yet it should be noticed that those who would go to extremes are less entitled to the praise of Republicanism than those who would not.

But the consequences of giving an artificial and unmerited importance to the amendment, is, in the first place, to spread an useless and even pernicious alarm, as well as to revive animosities, and, in the next place, by showing our dependence on a futile and ridiculous renunciation of nobility, to evince the want of any good remedy for the evil. If it is an important affair the amendment is far short of what the case requires. If it is, as we all believe, trifling and worthless, then let us spare ourselves the shame of legislating on these frivolities, these phantoms which the friends of the amendment have very

JANUARY, 1795.]

Naturalization Bill.

[H. of R.]

slowly, and at last very faintly, pretended to have any substance.

Mr. A. further observed, that the securities which we have already against the introduction of nobility, are sufficient to secure us and our sons, and the sons of our sons, down to the twentieth generation, against a nobility. Is the meaning of this amendment to give a new text for sedition? It was below the dignity of the House to spend its time upon such trifles. The Convention of another nation had indelibly disgraced themselves by legislating upon trifles, while matters of importance stood by. What would be the sense of America upon our spending day after day in debating about such a frivolous thing? He was against the amendment of Mr. GILES.

Mr. SAMUEL SMITH was sorry for the turn which the debate had taken; though at first it bore a trifling appearance, it had since called up all the warmth of the House. The gentlemen from the Eastern States, who knew the Republican character of their constituents, and how independent every man there was, both in his temper and his circumstances, had slighted the amendment as unnecessary. Gentlemen from the Southern States, on the other hand, say that they have some reason to be apprehensive. Why, said Mr. S., will not the Eastern members indulge us in this trifle? It is owned by the one party, that it can have no bad tendency; and the other imagine that it must have a good one. Then why not, for the sake of conciliation, grant it?

Mr. MURRAY was sorry that the House had begun the new year with such a discussion. He had seen with much pleasure the appearances of conciliation and unanimity at the outset of the session. He should vote for the amendment, and he hoped that those members who were against it would come round and vote for it. They would thus put an end to this motion, so wasteful of time. Of nobility, however, the gentleman had no alarming apprehensions. There had been once in this House a baronet. He was there for two years before it was known, and it was then discovered that a baronet was a thing perfectly harmless. As for titles of nobility, he believed that all the wholesome and sensible part of the community looked upon the whole as stuff. When Mr. M. contemplated this subject, it reminded him of Holbein's Dance of Death.* He saw nothing in this country but the ghosts of nobility. In Europe, indeed, it was a matter of importance. It established the etiquette of precedence among the ladies in leading down a country dance. The amendment was not worth much either one way or the other. But he wished it to be granted for the reasons assigned by his colleague from Maryland, who had spoke just before him.

Mr. MADISON. When the amendment was first suggested, he had considered it as highly proper, and naturally connected with the subject. No man can say how far the Republican revolution that is

now proceeding in Europe will go. If a revolution was to take place in Britain, which for his part he expected and believed would be the case, the peerage of that country would be thronging to the United States. He should be ready to receive them with all that hospitality, tenderness, and respect, to which misfortune is entitled. He should sympathize with them, and be as ready to afford them whatever friendly offices lay in his power, as any man. But this was entirely distinct from admitting them as citizens of America before they were constitutionally qualified to become so. In reply to the remark of Mr. BOURNOR, that a renunciation of their titles might injure their families, Mr. M. observed, that if a British revolution took place, these fugitives would, as aliens, be incapacitated from holding real estates. In discussing this question, we had been reminded of the Marquis de Lafayette. He had the greatest respect for that character; but if he were to come to this country, this very gentleman would be the first to recommend and acquiesce in the amendment on the table. He had urged the necessity of utterly abolishing nobility in France, even at a time when he thought it necessary for the safety of the State that the King should possess a considerable portion of power; and Mr. M. believed, that if he were now at freedom, he was as completely stripped of every thing relative to nobility, as it was possible that he could be. It had been said, that it was needless to make emigrants renounce their rank, and that oaths were no security. He was ready to allow that oaths were, in any case, but a very poor security, but they had been adopted in other parts of the bill, and the same reason which recommended them on former occasions might recommend them now.

Mr. W. SMITH was convinced that the amendment was wholly incompetent to the end which it professed to have in view. You may force a man to renounce his title, but what does that signify, when you cannot hinder his neighbors from calling both him, his wife, and family, by the title? He replied to the argument of Mr. S. SMITH, as to the Eastern members giving up the point for the sake of conciliation with the Southern members.

He did not understand that his own constituents had any such panic about them, or that they would thank the Eastern members very ardently for such a concession. They were not afraid of aristocracy. You cannot abolish the practice; and even supposing a nobleman had made his renunciation, perhaps the very person who administered the oath, may, the next moment, say, "My Lord, I wish you a good morning!" and you cannot punish the individual who says so. As to not allowing of titles to wives and daughters, this renunciation will not prevent their being given. But in some parts of the country we have titles already. Mr. S. had often heard an old lady called "the Duchess." He could see no good consequence from the motion. There was indeed one obvious effect. The ignorant part of the American citizens—who, he hoped were but

* A celebrated painter who died in 1534. Speaking of this great artist, Henry the Eighth once said, "Out of seven ploughmen I can make seven Lords, but out of seven Lords I cannot make even one Holbein."

H. or R.]

Naturalization Bill.

[JANUARY, 1795.]

few—would imagine that those who voted for the amendment were against the introduction of nobility into America, and that those against the amendment were for that introduction. This frivolous kind of legislation had disgraced the proceedings of another nation. They had begun to change the names of their towns and harbors, such as Conde, Dunkirk, Toulon, Havre De Grace, and Lyons. One of these they had named *Havre de Marat*, and so on. But now they were coming back to their sober judgment, and were repealing these edicts. Lyons was restored to its old name. The pillar erected to announce its rebellion and annihilation had been taken down. The Convention had formerly passed a law for demolishing houses inhabited by aristocrats, but now they began to think it was better to let the houses stand. Would anybody say that French liberty was better secured by naming a harbor *Havre de Marat*? Had this done any good to the cause? But if people who were so much afraid of the introduction of nobility would look around them, they might already find in this country alarming marks of attachment to royalty. When Mr. SMITH was lately at New Haven, in Connecticut, he had observed on the top of the State House the figure of a *Crown*, which had stood there undisturbed since long before the beginning of the Revolution. He went into the State House, and found the people as good Republicans as could be, notwithstanding this *Crown*. Again, at Middletown, in the same State, he went into a church, and on the top of the organ there was another *Crown*, which might also be interpreted as a proof of Monarchical principles. Reverting to the subject of changing names, Mr. S. said, that the people in the State of New York had for a long time enjoyed as much liberty as the other States. At last, however, it was recollected that one of the streets of the city of New York was called King's street; but this was changed to *Liberty* street, which was, to be sure, a very momentous alteration. If Congress descend to legislate in such littlenesses, they may forbid the title of Worshipful. They may abolish the order of Freemasons, which he thought that they had just as much right to do as to make the foreign nobility renounce their titles before they should be accepted as American citizens. The Congress may, among other objects of legislation, forbid any member to come into that House with an aristocratical cloak—one with gold lace, for example. He asked more than once this question: What peculiar privileges has a foreign nobleman, coming into this country, which he possessed more than all other citizens? He considered the whole amendment as totally trifling. He was content that the yeas and nays should be taken. His sentiments were known already. His name should stand among the nays.

Mr. GILES said, that there had been an echo from one end to the other of the House that his amendment was trifling. Was it consistent for the gentleman, who had been up for half an hour, to spend so much time upon a question, and then conclude by telling the House that it was nothing;

that he had been talking for so long a time upon a subject that did not merit their attention? What kind of reasoning was this, or how did the gentleman propose to reconcile it? Was it consistent with the warmth which had been discovered, to say that all this discussion, all this length of time, had been consumed upon nothing? But this kind of language had something more serious in it, for this prohibition of nobility formed one of the pillars of the Constitution; so that to call a principle recognised and affirmed by the Constitution a trifle, or nothing, and so on, was a very unguarded proceeding. Another notable argument against agreeing to his amendment had been, that the people already detested nobility so thoroughly that it was not worth while to pass this amendment, as their hatred of it would put an end to it without a law. It was enough that the two principal reasons against his amendment were, first, that it was authorized by the Constitution, and secondly, that it would be agreeable to the people. It is strange that the will of the people, who send us here, is to have no influence in this House, but is to be turned into an argument against passing a law! Mr. G. would adhere to his amendment, because, as the law now stands, there is nothing to hinder a foreigner with a title to become an American citizen, and obtain a seat in this House, and hold both his office and his title. Mr. G. next answered a part of the argument of Mr. W. SMITH, that making people renounce their titles would only rivet their attachment to them, and make them, perhaps, think of these things, when otherwise they would have been forgotten. Mr. G. said, it was quite a new kind of argument, that to renounce a thing was the way to give it existence. If this rule were to hold, he believed that some members of the House would renounce things which they very much wanted. For example, he himself should possibly renounce a hundred thousand dollars. As to the call for yeas and nays, he had some time ago informed the House that he gave up this point. The thing could not affect him, either one way or another, because his sentiments were already known.

Mr. TRACY regretted that so much time should be lost on trifling subjects. We had seen the National Convention of France diminish their dignity, by spending three or four days on the business of giving a name to the late Duke of Orleans, and hardly had they finished, by giving him the name of *Egalité*, before in substance he became so bad that they cut his head off. What good did his renunciation of title do, excepting that it afforded him a short opportunity of deceiving his fellow-citizens? Mr. T. said he was fully convinced, and had been so from the beginning of the debate on the Naturalization bill, that a length of time was the only valuable probation of an alien, and the only successful mode of discerning his principles, and the justice and propriety of his claim to be naturalized. He thought the sentiments of the gentleman from Virginia [Mr. GILES] were highly commendable, when he said we ought to avoid extremes in politics, and adopt a sober medium of political reasoning, suited to the steady

JANUARY, 1795.]

Naturalization Bill.

[H. OF R]

and rational temper of Americans, equally removed, on the one hand, from tyranny, and on the other from anarchy. And he would ask, whether a solemn abjuration of all foreign allegiance, with proofs of a good moral character, and attachment to the principles of our Government, would not secure us, as to the principles of the heart, as thoroughly, without the farce of renouncing his title, as with it? He considered titles, in this country, as very empty, unmeaning things; and they would go into disuse of themselves, having no solid support, either in the habits or constitution of this country. But, by the Constitution of the United States, any citizen might receive and enjoy a title from a foreign Prince or Sovereignty, and Congress could not prevent it. The words of the Constitution are:

"No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State."

Mr. T. supposed it was clear that Congress had no power respecting this matter, but what was expressly delegated by the Constitution, and that had given them a check only on officers of their own appointment, leaving every other citizen, not an officer of Government, at liberty to retain a foreign title if he pleased. And an alien might, even if this amendment should pass, renounce his title, become naturalized, and in an hour accept of the same title, or another, from any foreign Prince, and Congress can make no laws to prevent it. If it be a fault that our citizens can receive and enjoy titles, it is a Constitutional one; Congress are not blameable for it, but they would be blameable were they to arrogate powers not given them, upon this or any other subject. Mr. T. repeated, that there could be no danger in this country from titles; they were universally considered as trifles, and it would be dignifying them too much to legislate about them. He asked the gentleman who brought forward this motion, whether it was not, in a measure, a departure from his former declaration, of sober, rational temper, in politics, to insist so much upon its importance as he did? He was sorry the yeas and nays were insisted upon with so much spirit; it looked like party, in a very unimportant matter: he did not mean to accuse any man, or men, and mentioned it with diffidence, but it really struck his mind in this way. Much had been said about adhering to the Constitution strictly, on former occasions; but, from many things said now, it seemed as though there was no safety for the people, unless the House of Representatives absorbed the whole Governmental power. Mr. T. said, if that House should become political cannibals, and attempt to devour both the other branches of the Legislature, he would oppose it, whether it was popular, or not, for he considered the Constitutional checks of the branches of this Government, upon one another, as containing the most complete security for liberty, that any people could enjoy. If his construction was a just one, Mr. T. thought the amend-

ment could do no good; it formed a test which might make hypocrites, but not proselytes; it stripped an alien for a moment of a trifle, which in the next he might resume and wear forever.

Mr. SEDGWICK.—Has it not been said that there was a party in the United States, not only for Aristocracy, but even for Monarchy? Is not the present a most favorable opportunity for holding up these people to popular resentment? He was convinced that the gentleman who moved this amendment had no design of doing any such thing, but that did not lessen the reality. He said that Mr. GILES had brought gentlemen into a dilemma, which he did not, or would not, see. They had at first opposed the motion, as trifling, and this they had a right to do. The member [Mr. GILES] then moved his call for the yeas and nays; and if gentlemen who had already spoken against the amendment, were now to draw back, and vote for it, they would betray a disgraceful poverty of spirit. Their constituents would say that their votes had been given in *terrorem* of the yeas and nays. The motives for pushing this call could be nothing else but to stigmatize members of that House, as wanting to introduce a nobility, whereas they opposed the amendment on no such account, but merely because it was not worth their taking up. As to himself, he did not care. He could not wish to stand better with his constituents than he actually did. He was well known to them. But, in other quarters of the Continent, it might be said that the Eastern States were represented by aristocrats. If this be a desirable object, said Mr. S., in God's name, let gentlemen persist in calling for the yeas and nays. It will be said, "there go the Eastern aristocrats! They want to import nobility here, when it can no longer exist in Europe!" Mr. S. said, that at first, he gave but little opposition to the amendment, thinking it frivolous. He repeatedly declared, upon his honor, that he firmly believed it to be so, and that he had no other reason for opposing it. If he had been, upon this occasion, warmer than usual, he was sorry for it; but the mischievous and unconciliating consequences of this call for the yeas and nays, had hurt him exceedingly.

Mr. MADISON denied the assertion of Mr. SEDGWICK, that the amendment was trifling; and the member himself seemed to betray, by his behaviour, a consciousness that he had not promoted conciliation. An abolition of titles was essential to a Republican revolution, and therefore such an abolition had been highly proper in France. The sons of the Cincinnati could not have inherited their honors, and yet the minds of the Americans were universally disgusted with the institution, and in particular, in South Carolina; yet a member from that State [Mr. W. SMITH] has told the House that his constituents were under no fears of aristocracy, and that they could hear titles without emotion. Even the Chief Magistrate of South Carolina had told the Cincinnati that these distinctions ought to be laid aside.

Mr. HILLHOUSE thought it quite frivolous to spend time upon the motion. That was all his objection. It had been said that, allowing the

amendment to be trifling, yet it was no harm to make an idle law, and that therefore it should be agreed to for the sake of conciliation. Supposing a man to make a will, bequeathing a hundred thousand guineas, when he was not worth a shilling, there would be one serious effect at least, for it would make the testator ridiculous. To legislate for the sake of expressing a sentiment, was very silly, and what he never should agree to. If Mr. GILES would make an amendment incapacitating all foreigners whatever from holding, upon any account, a civil office in America, Mr. H. would agree with him, because he did not want to see any of them in such offices, and conceived that Americans could legislate for themselves much better without any such assistance.

Mr. LYMAN said, that whenever a member of that House called for the yeas and nays, it was a rule with him to rise and second the motion, because the people had, upon all occasions, a right to know their votes; and even if only one member desires the yeas and nays to be taken, Mr. L. conceived that it ought to be done, as the thing was in itself so highly proper. Since he had the honor of a seat in that House, therefore, he had always seconded every call for yeas and nays, that the public might understand, as fully as possible, what they were about, and how their votes went. He said that it was extremely improper to ascribe wrong motives, when gentlemen supported a call for yeas and nays. It was sacrificing the dignity of the House to cast out such insinuations. When the call had once been made and agreed to, it would be very mean to retract it, to gratify any member. The public had always, and without any exception, a right to know what their Representatives were doing, and how they were voting, and he, for one, should adhere to the call.

Mr. W. SMITH said, that he had already put a question which nobody had answered, and on that account he should now rise and put it again. What are the emigrant nobility to renounce? When they come into this country, they possess not one privilege which is not possessed by everybody else. He had expected that the gentleman from Virginia, [Mr. GILES,] when last up, would have explained this matter, but he had not done it. The great bugbear was, lest a *ci-devant* Lord may get a seat here, and that somebody may call him My Lord. But, even after you have got his renunciation of nobility, if other people choose to give him his titles, you can neither hinder nor punish them; so that the amendment is, to all practical intents and purposes, absolutely useless and nugatory. Some members of this House belong to the order of Cincinnati. If they come here with badges at their button-holes, can you forbid them? He wished that gentlemen would show what was to be renounced. There was nothing at all to renounce. The whole amendment is totally futile.

Mr. DEXTER then rose, but the House had become so impatient for the question, that he was heard with difficulty. He only wanted to ask whether the call for yeas and nays was withdrawn or not?

Mr. McDOWELL said that he had already informed the House that he should insist on the call.

Mr. AMES then asked, whether it was not competent to put the previous question, viz: Shall this call be now taken?

The SPEAKER, in reply, said, that according to his judgment, the previous question could have been regularly taken upon any topic whatever, which produced a debate; but the House, by a recent decision, had determined that the previous question could not be regularly taken upon an amendment.

He was then asked, whether the call of yesterday was valid to-day, or if it was necessary for the members to rise over again? Mr. SEDGWICK was clearly of this opinion; in which the SPEAKER, after some consideration, concurred, as some gentlemen had deserted the call, and he in reality, did not know whether a fifth part of the members would support a call or not.

It was then suggested, that there could not be a second call, if the first was disappointed; and some gentleman said, that he hoped no member would insist on a thing so extremely distressing to the feelings of many members. Several gentlemen had now attempted to speak at the same time, and the mischievous and unconciliating effects of the call were enumerated with much emphasis.

Mr. NEW at last came forward, and declared that he moved for a call. Mr. McDOWELL said the same.

Mr. SEDGWICK then rose again. He appealed to the House, that, since he had a seat in Congress, he had never troubled them with a call more than a very few times; and he affirmed, upon his honor, that he never had moved for the yeas and nays at all, unless he was uncertain how the votes of the House would go. But the gentlemen who now moved for the call had not this excuse. They knew very well that they would carry their point, and that by a large majority; so that the insisting for the yeas and nays could arise only from a design that gentlemen who voted against the amendment should be held out to the public as wanting to introduce a nobility. He owed little to Mr. GILES for having withdrawn his motion, when others were so ready to renew it.

Mr. NEW, on hearing these remarks, declared that he should withdraw his motion, since so much had been said about it.

Mr. BLOUNT then rose, and said that it was needless to waste time, for the yeas and nays must and should be taken.

Twenty-three members seconded his motion, and the SPEAKER declared that the point was now determined.

Mr. DEXTER next rose, and observed that he had withdrawn his amendment, under a hope of conciliation, and that the yeas and nays would not be taken. But since this request had been refused, he should move it again, and have the yeas and nays upon that likewise, and before the other. He went over the beaten ground of the

JANUARY, 1795.]

Naturalization Bill.

[H. OF R.]

bad consequences of holding members up to popular resentment.

Mr. VENABLE said, that if the gentleman were so disposed he should willingly try the question at once on this motion, without farther investigation about it.

On calling over the names, there were, on the amendment of Mr. DEXTER—yeas 28, nays 63, as follows:

YEAS.—Fisher Ames, James Armstrong, Shearjashub Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Samuel Holten, Henry Latimer, Amasa Learned, William Lyman, Francis Malbone, William Vans Murray, Theodore Sedgwick, Jeremiah Smith, George Thatcher, Uriah Tracy, John E. Van Allen, Peter Van Gaasbeck and Peleg Wadsworth.

NAYS.—Theodorus Bailey, Abraham Baldwin, Lemuel Benton, Thomas Blount, Elias Boudinot, Benjamin Bourne, Thomas P. Carnes, Thomas Claiborne, Isaac Coles, Jonathan Dayton, Henry Dearborn, George Dent, Benjamin Edwards, Thomas Fitzsimons, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, William B. Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, William Irvine, John Wilkes Kittera, Richard Bland Lee, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, William Smith, Zephaniah Swift, Thomas Tredwell, Jonathan Trumbull, Philip Van Cortlandt, Abraham Venable, Jeremiah Wadsworth, Francis Walker, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

The amendment of Mr. GILES was then taken up, and determined in the affirmative—yeas 59, nays 32, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Lemuel Benton, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Isaac Coles, Jonathan Dayton, Henry Dearborn, George Dent, Benjamin Edwards, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, Samuel Holten, John Hunter, William Irvine, Henry Latimer, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit,

Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Matthew Locke, Theodore Sedgwick, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, and Jeremiah Wadsworth.

Ordered, That the said bill, with the amendments agreed to, be recommitted to Mr. MADISON, Mr. DEXTER, and Mr. CARNES.

MONDAY, January 5.

THOMAS SPRIGG, from Maryland, appeared, and took his seat in the House.

A memorial of Thomas Danncry, Consul of the French Republic, residing in the town of Boston, in the State of Massachusetts, in behalf of a number of French citizens, late inhabitants of Saint Pierre's and Miquelon, was presented to the House and read, praying a remission of the tonnage duties accruing on sundry shallops and small schooners, which were employed to convey the said French citizens to the said town of Boston, from Halifax and Shelburne, in the province of Nova Scotia, where they were sent as prisoners, by the British army, in the course of the late war.

Ordered, That the said memorial be referred to Mr. SAMUEL SMITH, Mr. LYMAN, and Mr. VAN CORTLANDT; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That a committee be appointed to inquire and report whether any, and what, alterations ought to be made to the act imposing duties on snuff manufactured within the United States; and that Mr. WILLIAM SMITH, Mr. NICHOLAS, Mr. SAMUEL SMITH, Mr. LYMAN, and Mr. FINDLEY, be the said committee.

Ordered, That the Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt, to whom was committed the memorial of sundry manufacturers of tobacco in the city of Philadelphia, be discharged from the further consideration of the same, and that the said memorial be referred to the committee last appointed.

The House resolved itself into a Committee of the Whole House on the bill for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill making further provision in cases of drawbacks; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

H. OF R.]

The Fortifications.

[JANUARY, 1795.]

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act further extending the time for receiving on Loan the Domestic Debt of the United States;" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to consider and report on the expediency of making any further alterations in the Laws of the United States relative to the cession of the jurisdiction by particular States, in lands where are established, or may by law be directed to be built and established, light-houses, buoys, and public piers; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which he delivered in at the Clerk's table.

Ordered, That the said resolution do lie on the table.

The bill sent from the Senate, entitled "An act further extending the time for receiving on Loan the Domestic Debt of the United States," was twice read, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying reports on sundry petitions; which letter was read, and ordered to lie on the table.

THE FORTIFICATIONS.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the report of the Secretary of War, respecting the Fortifications of the United States.

On this subject, Mr. MADISON objected to the making the Fortifications in the most expensive and durable style, because it may hereafter be found, that the situations which have been chosen are not the most proper.

Mr. S. SMITH said, that the objection of the gentleman struck him very forcibly. He then mentioned the absurd management at Baltimore, as to their erecting Fortifications, which were well built, looked extremely well, and had only one fault, viz: that they were absolutely *useless*. An hundred men might at any time land from behind, take the battery in the rear, and turn it against the defenders. Vast labor had been bestowed on it by the people of Baltimore, and their labor and the public money had been equally cast away. Mr. S. had little confidence in Land Fortifications. He instanced Mud Island, of which he spoke as a military man, and from personal knowledge. The Fortifications could not have hindered British ships from coming up the river, but for the *chevaux de frize*. They protected that, but could not, of themselves, have kept a ship from coming up; so, he reckoned that much money had been cast away on them, too. Floating batteries might be of service, but not land batteries.

The Committee rose, reported progress, and asked leave to sit again.

Mr. MADISON, from the select committee, reported a new bill of Naturalization, containing the amendments recommitted, and also whatever was necessary from the Old Law, so that the latter should be entirely superseded. The report was read by the Clerk, and made the order of the day for to-morrow.

TUESDAY, January 6.

An engrossed bill for the ascertainment of certain losses of the officers of Government and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers, was read the third time, and passed.

An engrossed bill making further provision in cases of drawbacks was read the third time, and passed.

A memorial and remonstrance of the sugar refiners, in the city of Philadelphia, was presented to the House and read, praying a revision of the Excise Laws of the United States; and that so much of the act passed at the last session of Congress, entitled "An act laying certain duties upon snuff and refined sugar," as imposes a duty on sugar refined within the United States, may be repealed.

Ordered, That the said memorial and remonstrance be referred to the committee appointed to inquire and report whether any, and what, alterations ought to be made in the act imposing duties on snuff manufactured within the United States; and that Mr. FITZSIMONS and Mr. MADISON be added to the said committee.

A memorial of the Transylvania Company, commonly called Richard Henderson & Company, was presented to the House and read, praying that such compensation may be made to the memorialists and their legal representatives, for a quantity of land which they purchased from the Cherokee Indians, in the year one thousand seven hundred and seventy-four, and has since been ceded to the United States, by the treaty of Holston, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial do lie on the table.

A petition of James Denniston, of Ohio county, in the State of Virginia, was presented to the House and read, praying that the location which he has made of the proportion of land, due for his services during the late war, in the second range of townships on the river Ohio, together with the improvements thereon, may be confirmed to him, and a grant issued for the same. Also, a petition of Elijah Woods, to the same effect.

Ordered, That the said petitions be referred to the Committee of the Whole House on the report of the committee to whom was referred the petition of sundry soldiers in the late Army of the United States.

The House resolved itself into a Committee of the Whole on the bill supplementary to the seve-

JANUARY, 1795.]

Naturalization Bill.

[II. OF R.]

ral acts imposing duties on goods, wares, and merchandise, imported into the United States; and, after some time spent therein, the Committee rose, and reported the bill with amendments.

NATURALIZATION BILL

The House then went into a committee on the bill to establish an uniform system of Naturalization, and to repeal the law formerly made on that head. One of the clauses in the new bill proposed to make aliens becoming citizens of the United States abjure their allegiance to all other States *forever*.

Mr. BONDINOT said, that a very respectable emigrant, who had brought a large fortune with him, and who would very likely be of much use to the country, had assured him that, rather than swallow such an oath, he would return to his own country. Mr. B. declared, that he always had considered oaths of allegiance as an imposition. They might keep away men who had scruples, because they had *principles*; others would swear, and break off, when it suited them. The word *forever* implied that these people were not at liberty to return home, and reassume the allegiance to their own country. What if the United States were to become a tyrannical Government? Were people not to have the liberty of leaving it? It had been replied by some gentlemen that the word *forever* did not imply that the emigrant would never be at liberty to return to his country, and resume his former allegiance. On that ground, they had urged to keep it in. Others had asserted that it *did* convey such a signification, and for *that* reason they would have it kept in. How is an alien in this case to act? One party say your oath means thus, and therefore you may take it. Another set of gentlemen give the oath an opposite meaning, and insist on its being taken. What kind of swearing is this, said Mr. B? To enact oaths which the very makers of the law could not agree about the meaning of, was to him very odd. He had done his duty in exposing the absurdity of the thing, and should move to strike out *forever*.

This motion was carried. And the Committee rose, and the Chairman reported progress.

WEDNESDAY, January 7.

A petition of James Caldwell, of the city of Albany, in the State of New York, was presented to the House and read, praying a remission of the duties imposed by law on a quantity of snuff manufactured by the petitioner, which, together with his manufactory, and other property, was consumed by fire, on the 12th day of July last.

Ordered, That the said petition be referred to the committee appointed to inquire and report whether any, and what, alterations ought to be made in the act imposing duties on snuff manufactured within the United States.

A memorial of John Field, Jesse and Robert Waln, and Hartshorne, Large, & Company, merchants, of the city of Philadelphia, was presented to the House and read, praying that the exportation of lead from the United States be per-

mitted in all vessels engaged in the India or China trade.

Ordered, That the said memorial be referred to Mr. FITZSIMONS, Mr. GOODRICE, and Mr. RUTHERFORD; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House proceeded to consider the amendments reported yesterday from the Committee of the Whole House, to the bill supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States.

The bill was then further amended, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of Epaphras Jones, in behalf of himself, Stephen Gorham, Shubal Gorham, and Charles Selden; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That it shall and may be lawful for the Collector of the District of New York, to remit to Epaphras Jones, Stephen Gorham, Shubal Gorham, and Charles Selden, owners of the brigantine called the Peru, the duties of impost and tonnage which may be incurred, in consequence of the incompetent or invalid register of the said brigantine; provided they shall obtain, within one hundred and twenty days, a new register for the said brigantine, in the manner prescribed by law.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. GOODRICE, Mr. COFFIN, and Mr. GILMAN, do prepare and bring in the same.

The House went into a Committee of the Whole, on the report of the select committee, on the petition of Mary S. Jones.

There was a considerable degree of doubt whether this case did not fall within the statute of limitation lately passed.

Mr. MONTGOMERY was clearly of opinion that it did so. He thought it would be a degree of trifling in the House, to make a law in one session and in the next to declare that there was to be an exception to it.

Several other gentlemen spoke, and, as it appeared that there was no general opinion formed on the subject, the Committee rose, the Chairman reported progress, and asked leave to sit again, which was granted.

The House took up the Naturalization Bill. The word *forever* was struck out agreeably to the amendment in Committee of the Whole. The House went through the other amendments. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr. FITZSIMONS observed, that the saving in the Post Office had lately amounted to a considerable sum. He did not imagine that the money could be applied to a better use than for the making of Post Roads. He laid on the table a motion

H. OF R.]

Promulgation of the Laws—Naturalization Bill.

[JANUARY, 1795.]

for forming out of this fund a road between the Southern and Eastern States.

PROMULGATION OF THE LAWS.

There was then a motion for going into a Committee on the report of the select committee relative to the more general promulgation of the Laws of the United States. Gentlemen seemed considerably at a loss in what way this promulgation could be most effectually accomplished. Various schemes were proposed, of which not one appeared to meet the general sense of the members. Among other expedients, it was proposed to transmit them to the several States.

But, on this head, Mr. BALDWIN remarked that, if these States were not more successful in circulating the Laws of Congress than they sometimes were in distributing their own, the printing of three thousand copies, as proposed, would answer but little purpose. He further observed, that the bill ought to provide some place in each State, or each county, where complete sets of the Laws might be lodged; otherwise, as it is proposed to publish the additional acts of every session at the end of it, there may happen to be a State or county to which all the Laws have been sent, and yet where in a complete set of them is not to be had.

The Committee rose, the Chairman reported progress, and the House adjourned.

THURSDAY, January 8.

An engrossed bill supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States, was read the third time, and passed.

A petition of Francis Peyrinnaut, of the town of Edenton, in the State of North Carolina, administrator of Pierre Decamps, deceased, was presented to the House and read, praying the renewal of certain loan-office certificates, the property of the deceased, which were destroyed by an armed banditti, some time in the month of December, one thousand seven hundred and eighty-two; the loss of which, owing to unavoidable circumstances, has not been advertised within the time, and in the manner prescribed by law.

Ordered, That the said petition be referred to Mr. DENT, Mr. LEE, and Mr. HARTLEY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before Congress copies of Acts passed by the Legislatures of the States of Vermont, Massachusetts, and New York, ratifying the amendment proposed by the Senate and House of Representatives at their last session, to the Constitution of the United States, respecting the Judicial power thereof.

The Minister of the French Republic having communicated to the Secretary of State certain proceedings of the Committee of Public Safety, respecting Weights and Measures, I lay these also before Congress.

The Letter from the Governor of the Western Ter-

ritory, copies of which are now transmitted, refers to a defect in the Judicial system of that Territory deserving the attention of Congress.

The necessary absence of the Judge of the District of Pennsylvania, upon business connected with the late insurrection, is stated by him, in a Letter, of which I forward copies, to have produced certain interruptions in the Judicial proceedings of that District, which cannot be removed without the interposition of Congress.

G. WASHINGTON.

UNITED STATES, January 8, 1795.

Ordered, That so much of the said Message as relates to the Letters from the Judge of the District of Pennsylvania, and the Governor of the Territory of the United States Northwest of the river Ohio, be referred to Mr. DEXTER, Mr. HARTLEY, and Mr. HARRISON, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That such other parts of the said Message as relate to the ratification of the amendment proposed by Congress to the Constitution of the United States, by the Legislatures of the States of Massachusetts, Vermont, and New York, and the proceedings of the Committee of Public Safety of the French Republic, respecting Weights and Measures, do lie on the table.

Ordered, That a committee be appointed to inquire whether any, or what, alteration is necessary to be made in the laws respecting lost or destroyed certificates; and that Mr. LEE, Mr. DENT, and Mr. GREGG, be the said committee.

NATURALIZATION BILL.

The bill to establish a uniform system of naturalization, and to repeal the act heretofore passed on that subject, was then read a third time, and passed. The filling up of the blanks in this bill produced a dispute of some length, and from the intricacy in some parts of it, the abridging of it would be a work of difficulty. Several members spoke to the filling up of the blanks, and their arguments sometimes applied equally to all the three clauses before the House. To be intelligible, therefore, it appears necessary in the first place to insert the clauses themselves at length, as in the end filled up. We shall then repeat some of the remarks made on the subject by different gentlemen. The sections of the bill in question were as follows:

1. The alien shall have declared on oath or affirmation, before the Supreme, Superior, District, or Circuit Court of some one of the States, or a Circuit or District Court of the United States, three years at least before his admission, that it was, *bona fide*, his intention to become a citizen of the United States, and to renounce all allegiance and fidelity to any foreign Prince, Potentate, State, or Sovereignty whatever, and particularly by name the Prince, Potentate, State, or Sovereignty whereof such alien may, at the time, be a citizen or subject.

2. He shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the Courts aforesaid, that he has resided within the United States five years at least, and within the State where such Court is at the

JANUARY, 1795.]

Naturalization Bill.

[H. OF R.]

time held, one year at least; that he will support the Constitution of the United States; and that he doth renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State, or Sovereignty, whatever, and particularly by name the Prince, Potentate, State, or Sovereignty whereof he was before a citizen or subject; which proceedings shall be recorded by the Clerk of the Court.

3. The Court admitting such alien, shall be satisfied that he has resided within the limits, and under the jurisdiction of the United States five years; and it shall further appear to their satisfaction, that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

Some gentlemen having spoke on the propriety of different terms for admission,

Mr. MADISON said, that he feared the House would never see an end of the discussion, if they went on at this rate, for, by descending to discriminate all the qualifications of a citizen, they run the hazard of losing the bill altogether, from the mere waste of time. Ten years were named by Mr. MURRAY to fill up the first blank, and seven years by Mr. HARTLEY. These terms he thought by much too long. This would oblige the friends of the bill to vote against it.

Mr. BALDWIN objected that the law was inconsistent with itself, for a man is not to be admitted as a citizen to vote for ten years, while a residence of nine years may qualify him to be elected a Senator. This differed from the temper of the Constitution.

Mr. S. SMITH said, that the discussion on several parts of the bill in Committee had appeared to him unimportant, that the great object with him was the time of probation. He was for the longest term, that the prejudices which the aliens had imbibed under the Government from whence they came might be effaced, and that they might, by communication and observance of our laws and government, have just ideas of our Constitution and the excellence of its institution before they were admitted to the rights of a citizen. A gentleman from Virginia [Mr. NICHOLAS] had stated that holding a purse with money in it was sufficient to admit strangers to a vote in Maryland; the fact was not so; before an alien can be admitted to the right of suffrage, he must abjure all allegiance to the King of Great Britain, take the oaths to the State, and to support the Government of the United States, and have one year's residence. The gentleman says, that the bill can only embrace the officers of Government and the commercial interest, and fears that the Eastern States wish to exclude the competition that arises from the foreign merchant. He could not see how that jealousy could apply, for it was as rare to see a foreign merchant in New England, as to see a native merchant in Virginia; that if the gentleman thought the place of foreign merchants would be filled from New England, he could foresee no injury, on the contrary a benefit. For, in case of

war, you might be assured that they would not act as spies; that there were many merchants from New England in Maryland—that they were good Republicans, good citizens, and always industrious.

Mr. FITZSIMONS thought that ten years were much too long a time for keeping an alien from being a citizen—it would make this class of people enemies to your Government. He was firmly of opinion that emigrants deserved to be encouraged; and to discourage them was an idea which till this day he had never heard either in or out of the House. Nature seems to have pointed out this country as an asylum for the people oppressed in other parts of the world. It would be wrong, therefore, to first admit them here, and then treat them for so long a time so hardly. As to the merchants from this country returning home with their wealth acquired here, it was not the case in Pennsylvania, whatever it might be in Virginia. They very seldom went home again, but married and settled in the country. He also thought the country obliged to them, as it was capable of employing the largest capital which could be brought into it. He knew of no such competition as the gentleman spoke about between the natives and the aliens.

Mr. BOUDINOT reminded the House of a late Proclamation by the PRESIDENT, wherein, among other things, it is said that this country is an asylum to the oppressed of all nations. He was for shortening the period of admission. He saw a great deal in the remark as to the bad policy of admitting people into the country and refusing them for so long a period the rights of citizens.

Several other gentlemen spoke. The bill finally passed.

FRIDAY, January 9.

A petition of Charles Heems, of the State of Georgia, was presented to the House and read, praying that a new register may be granted in the case of the brig *Solitaire*, an American bottom, which was captured by the British, and afterwards retaken by the French, and carried into Aux Cayes, in the year one thousand seven hundred and ninety-three; the said brig being condemned as British property, and the original register detained by the captors.

Ordered, That the said petition be referred to Mr. CARNES, Mr. GILBERT, and Mr. HANCOCK; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of William Hill Serjeant and Nathan Richardson, merchants and partners, of the town of Petersburg, in the State of Virginia, was presented to the House and read, praying that they may be allowed the amount of the drawback on a quantity of wine exported from the port of Petersburg, and duly landed at Rotterdam, in the United Netherlands, in the year one thousand seven hundred and ninety-two; a judgment having been obtained in the District Court of the United States for the State of Virginia, on the bond

H. or R.]

Organization of the Militia.

[JANUARY, 1795.]

given for the duties accruing on the said wine, previous to receiving the evidence required by law for relanding the same.

Ordered, That the said petition be referred to Mr. GILES, Mr. GILBERT, and Mr. LATIMER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of John Finley, late a Captain in the Pennsylvania line of the Continental Army, was presented to the House and read, praying that the location which he has made of the proportion of land due for his military services, during the late war, in one of the ranges of townships on the river Ohio, together with the improvements thereon, may be confirmed to him, and a grant issued for the same.

Ordered, That the said petition be referred to the Committee of the Whole House to whom is committed the report of the committee on the petition of sundry soldiers in the late Army.

Mr. GOODRICH, from the committee appointed, presented a bill for the relief of Epaphras Jones, and others; which was read twice and committed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to authorize the settlement of the claim of Samuel Prioleau;" to which they desire the concurrence of this House.

Mr. FITZSIMONS, from the committee to whom was referred the memorial of John Field, Jesse and Robert Wahn, and Hartshorne, Large, and Company, merchants, of the city of Philadelphia, made a report; which was read, and ordered to lie on the table.

The bill sent from the Senate, entitled "An act to authorize the settlement of the claim of Samuel Prioleau," was read twice, and committed.

ORGANIZATION OF THE MILITIA.

The House took up the report of the select committee, relative to arming, organizing and disciplining the Militia of the United States. The report recommended to enforce the law by suitable penalties; and a long debate ensued whether Congress had a right to enact such penalties. The following clause in the Constitution gave rise to this debate:

"The Congress shall have power to provide for organizing, arming, and disciplining the Militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the Militia according to the discipline prescribed by Congress."

A great number of gentlemen spoke on this point. Mr. SENECAWICK observed that to a Government to which was committed the charge of defending society, against internal violence and external invasion, means adequate to the attainment of those important objects, ought to be delegated. These means must be composed of efficient force, in the form of militia, or of that, which was generally considered as baneful to liberty, a standing army. A Constitution which was designed to perpetuate freedom would doubtless intend to render

the former as efficient, and the latter as unnecessary as possible. In legislating on this subject, if any uncertainty should occur, those principles should have their due influence in the construction to be given to the Constitution.

He laid it down as a principle, which he presumed would not be disputed by any one, that a complete and uncontrolled power over the militia was deposited in the National and State Governments. The only question was, which was to delegate the distribution of those powers? To the former it was expressly delegated to provide "for the organizing, arming, and disciplining, the militia." These words, when applied to the subject, were as full and comprehensive, perhaps, as any in our language. The question before the Committee was, could penalties be imposed, if they should become necessary, to carry into effect those powers? The maxim was undoubtedly true, that when a general power was granted, all the usual and known means necessary and proper to carry it into effect were granted also. If, then, the imposition of penalties were the usual and known means to effectuate "the organizing, arming and disciplining of the Militia," it would follow of irresistible consequence, that they might be employed for that purpose, if not prevented by the powers reserved to the States.

To the States it was reserved to appoint officers, and to train the militia, according to "the discipline prescribed by Congress." A reservation controlling a general grant should receive a strict construction. "Training," he believed a word more limited and less comprehensive than "disciplining," which he considered as comprehending all the means necessary to be employed to constitute the character of a soldier. "Training" comprehended only a part of those means. It would to his mind seem absurd, and almost contradictory, that when there was committed to this Government the protection and defence of each individual, and of the whole community, when this Government itself was founded on principles which cherished a militia to the exclusion of a standing force, wherever it could be done, when the Government, for those important purposes, was directed to provide for "organizing, arming, and disciplining the militia;" it would seem absurd and contradictory to say, penalties could not be imposed by law. It would be in the same sentence to grant and to deny; for he would run the hazard to affirm, that without penalties no effectual provision could be made for "organizing, arming and disciplining the militia."

It was not, he believed, difficult to conjecture by what means this distribution of powers between the National and State Governments had crept into the Constitution. It would have seemed incongruous to have denied to Congress a complete control over the militia. But having conceded this power in the words which had been so often repeated, a laudable jealousy would naturally have excited an apprehension, that, at some future time, the militia might be neglected to afford a pretence for standing armies. This jealousy could in no other way have been so well quieted as by

JANUARY, 1795.]

Organization of the Militia.

[II. or R.]

authorizing the States, who would discern, and guard against the intended encroachments, by "training," to keep alive the spirit of the militia. On this supposition, the Constitutional distribution of powers in this instance was consistent, and dictated by rational reflection.

To pursue further the subject, when the militia should be called into the actual service of the United States, Congress were by the Constitution to provide for their government. This was necessary to prevent a State, in case of disaffection, from defeating, under a pretence of "training," the exercise of the general powers granted to this Government.

Mr. SEDGWICK said, that it had always appeared to him anti-Republican to attempt to narrow the powers of this Government over the militia. An effective force of some kind must be at the disposal of the Government, which a militia could never be, unless adequate penalties were prescribed, and in case of delinquency inflicted. Resort must then, in every instance, be had to a standing army. There was no other alternative.

He was not in this case influenced by local considerations. The militia of the State to which he belonged was respectable and effective. He was sorry to add that in some of the States the reverse was confessedly and lamentably true. He had at all times been astonished to perceive, that the opposition to this measure had arisen from those districts for whose peculiar benefit it was designed.

Mr. MURRAY wished that some gentleman who was better acquainted with military matters than himself would explain the distinction between the two words, "training and disciplining," used in the above clauses of the Constitution.

Mr. S. SMITH rose to answer this query. Training implied chiefly teaching a man to handle his arms, to stand upright, to wheel to the right and left, and to march. But disciplining comprehended a great deal more. A disciplined soldier must understand the duties of a sentinel, the art of encamping, and a number of other things which a common militia man did not learn when only training. He said that the first duty of a soldier ought to be to take care of himself, and an acquaintance with this lesson had been severely felt by many in the late expedition to the Westward. Numbers of the militia did not know how to set up a tent. The Virginia militia who went out were neither disciplined nor trained. The Marylanders appear to have been much in the same situation, for when Mr. Smith drew part of them out and ordered them to load, he found that fifty had put down the ball before the charge of powder. Some of them did not even know how to lay a gun over their shoulder. He pressed the Committee to come to a decision immediately. Gentlemen said that they hoped that there would be no more insurrections. I hope so too, (said Mr. S.) but does that insure the thing? I believe not, sir. Nothing had been farther from the thoughts of the House last session than an insurrection.

Mr. FITZSIMONS hoped that the house would come to some resolution on the subject. He was

authorized to say that the Legislature of Pennsylvania were waiting in suspense to see what would be done by Congress.

Mr. TRACY said, he was convinced of the necessity of amending the militia law; before Congress made any regulations of the kind, the militia, in the State he came from, was under very good discipline; but he really thought the present law of the United States had a tendency to injure, instead of assisting, the regularity and discipline which had been before established by the State in their militia law. It had been said, the Constitution did not give Congress power to enforce their act by penalties, because training the militia was reserved to the several States. He should be sorry to give a forced explanation to any part of the Constitution, and if there were any who wished it in that House, as had been hinted, he would oppose every such attempt: but he could not reverence the opinions of gentlemen who had uniformly opposed the Constitution, before and since its adoption, till lately, and now pretended to be its greatest friends, and under that mask wished to fritter it down to rags, and reduce it literally to the state of self-righteousness—the more we have of it the worse. He then read the clause of the Constitution, and said, it was clear that all the power respecting the militia, was, by the first part of the sentence, deposited in Congress; but a special reservation was afterwards made to the States to appoint officers—this was explicit; and what more was reserved to the States? To train the militia pursuant to the discipline prescribed by Congress. This, he said, could give them no power of training, but in exact obedience to the rules given them by Congress; that is, Congress will take every necessary step to organize, arm and discipline the militia, (except officering;) they will get the men on the field; when they are there the State is to train them, is to be the Executive of the United States, and exactly pursuant to their rules train the militia. The training mentioned in the Constitution, he said, could mean no more; as disciplining, which was expressly in the hands of Congress, included training, but training did not include disciplining—a good definition of the difference between the two terms had been given by Mr. S. SMITH, who had spoken before him.

Mr. T. said, in ordinary cases, a certain specified portion of power was, by the Constitution, given to Congress, and all not specified was of course reserved by the States; but in this case the tables were turned—all the power was vested in Congress by the first part of the sentence, and a specified portion reserved to the States, which ought to be strictly construed, so as to give the several States no constructive power to defeat any thing Congress should do upon the subject; or, prevent uniform and general laws from operating by the interference of local and State regulations. He, therefore, was clearly of opinion the power of Congress, by the express words of the Constitution, extended to enforcing by penalties as contemplated by the resolution before the Committee.

H. OF R.]

Defence of the Frontier.

[JANUARY, 1795.]

Mr. GILES was not for straining the Constitution, but he was clear that Congress had such a power, of enforcing the execution of the law.

The Committee went through the resolution, and reported it to the House, where it was twice read and agreed to, in the following words:

Resolved, That the act, entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States," ought to be amended; and that further provision ought to be made by law for arming the Militia of the United States, and for enforcing the execution of the Militia laws, by adequate and uniform penalties.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. GILES, Mr. SEDGWICK, Mr. HEISTER, Mr. LOCKE, Mr. VAN CORTLANDT, Mr. DAYTON, Mr. SAMUEL SMITH, Mr. IRVINE, Mr. PARKER, and Mr. JEREMIAH WADSWORTH, do prepare and bring in the same.

MONDAY, January 12.

A memorial of sundry merchants, and other citizens, of the towns of Norfolk and Portsmouth, in the State of Virginia, whose names are thereunto subscribed, was presented to the House and read, praying that the most speedy and effectual measures may be adopted by Congress to obtain restitution for the depredations committed on the property of the citizens of the United States, by the subjects of Great Britain, under the authority of that Government.

Ordered, That the said memorial do lie on the table.

Mr. GOODRICK, from the committee appointed, presented, according to order, a bill supplementary to the act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same; which was read twice and committed.

The SPEAKER laid before the House a Letter from the Attorney General, accompanying a report of such tables of fees and regulations as are proper to be established for the Courts of the United States, pursuant to a resolution of this House of the 5th of June last; which was read, and ordered to be referred to Mr. BOUDINOT, Mr. KITTERA, and Mr. SHERBURN, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

On a motion made and seconded that the Message of the PRESIDENT OF THE UNITED STATES, of the 80th ultimo, and the report of the Secretary of War, referred to therein, be committed to the Committee of the Whole House, to whom is committed the memorial of the Legislative Council and House of Representatives of the Territory of the United States South of the river Ohio. It was resolved in the affirmative.

Mr. SAMUEL SMITH, from the committee to whom was referred the memorial of Thomas Dannery, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Wednesday next.

The House resolved itself into a Committee of the Whole House on the bill from the Senate, entitled "An act to authorize the settlement of the claim of Samuel Prioleau;" and, after some time spent therein, the Committee rose and reported progress.

DEFENCE OF THE FRONTIERS.

A Message was received from the PRESIDENT OF THE UNITED STATES, laying before Congress, for their consideration, the copy of a Letter from the Secretary of War, accompanied by an extract from a memorandum of James Seagrove, Agent of Indian Affairs. The Message and papers were read:

Mr. MURRAY then moved that the Message should be referred to the same Committee of the Whole House, to which had been referred the memorial from the inhabitants of the Southwestern Territory.

Mr. NICHOLAS objected strongly to this motion, as showing too much deference to the Heads of the Departments. The paper in question ought not to have been sent to the House at all.

Mr. MURRAY defended his motion. He inquired how the gentleman proposed to get information? Was he to manufacture it himself, or in what way could he better obtain it than from the Heads of the Departments? He had not, for his own part, that species of jealousy of them which the gentleman last up had.

Mr. NICHOLAS repeated his arguments with some warmth. He said that the Letter from the late Secretary at War was not official, but officious. It had a particular aspect which should forbid its getting any such mark of attention. It was neither more nor less than a commentary on some of the proceedings of the last session of Congress. If this was received, we might expect the table to be leaped with such things.

Mr. SEDGWICK could really see no reason to reject the motion. The PRESIDENT had undoubtedly a right to send the communication. The subject was confessedly of the utmost importance. The member asked, if the House were to close their understandings, and refuse all information from that quarter? He repeated that he could see no ground of any sort for refusing consent to the motion.

Mr. GILES was equally dissatisfied with the matter of this letter, and with the manner in which it had been introduced into the House. They were both equally exceptionable. The letter had come without any call. It was an Executive comment on a Legislative proceeding. It was a defence of a measure adopted by the Senate, and it condemned by implication another of that House. To Mr. G. it was a very extraordinary paper. The PRESIDENT was not to be supposed, however, answerable for the propriety of its contents. He should be very unwilling to take any notice of this paper at all. It had been justly remarked that it was a comment on transactions of the last session. A section of a bill passed in the Senate last session, and rejected by the House of Representatives, was inserted in it, and recom-

JANUARY, 1795.]

Defence of the Frontier.

[II. OF R.]

mended. This paper might operate very materially on the deliberations of the House. This was a very bad precedent. The Executive had nothing to do with any question pending before the Legislature, and consequently had no occasion to send such a thing.

Mr. HOLTEN imagined that the gentleman from Maryland, [Mr. MURRAY] had extended his motion too far. It ought to have comprehended only the taking into consideration the Message of the PRESIDENT.

Mr. MURRAY complained of the asperity of expression employed by a gentleman from Virginia, [Mr. NICHOLAS] Not official but officious, and the intelligence artificial, were phrases to which he objected. The gentleman might have higher sources of information than he had. Mr. M. was willing to take up with information wherever he could get it, and he could have it nowhere with more propriety than from the national servants. It was no good reason to reject information merely because we had not asked for it. Mr. GILES had given a piece of intelligence which Mr. M. said, was to him entirely new, viz. that when the House wanted information, it was one of their rules not to refer for it to the Heads of Departments. The topic was great and important, and the House, before they rise, must examine in general into the situation of the Southwestern frontier, and our terms with the Indians. Mr. M. said that the Delegate from the Southwestern Territory [Mr. WHITE] would certainly be glad to obtain the information conveyed in this paper. If any gentleman would point out any other way by which the House could, without absurdity, get from the PRESIDENT the information contained in this letter, Mr. M. should be willing to adopt it.

Mr. BOUDINOT was entirely satisfied both as to the propriety of the matter contained in the Letter of the Secretary, and as to the manner in which it had been introduced into that House. That the PRESIDENT had a right to consult the Heads of Departments, there could be no kind of doubt. Mr. BOUDINOT then read the following passage from the Constitution: "The PRESIDENT shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States. He may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices." Mr. B. defended the Message in all its circumstances, and in the most pointed terms. It was perfectly proper, and peculiarly so at this time. By the Constitution, and by the rules and practice of the House, the PRESIDENT had a right to offer his advice regarding Legislative acts.

Mr. W. SMITH had seen much needless jealousy in the House towards Heads of Departments; and the present he thought a refinement on that side. There had been two objections to the communication from the Secretary of War, the one as to the matter, and the other as to the manner in which it was introduced to the House; as to the latter, it was said to have been obtruded unasked. In this last objection Mr. S. saw nothing. He read a pre-

cedent from the Journals, which he insisted to be exactly similar, and where Mr. NICHOLAS himself had been one of a committee appointed to examine and report. As to the matter, we might as reasonably object to the Speeches of the PRESIDENT, reminding the House of business which had been before them, or recommending subjects to their notice. He considered the objections of both sorts as entirely unfounded.

Mr. MADISON recommended the alteration suggested by Mr. HOLTEN, for restricting the motion of commitment to the Message of the PRESIDENT, and not to take any notice of the letter from the Secretary, which he considered as, in itself, extremely improper. It could not be meant as information, and the House had no occasion to take advice from the Secretary. The letter itself looked more like a forced thing, than any which he recollected to have seen since the establishment of the Constitution. The subject, however, was delicate. The PRESIDENT had an undoubted right to give advice or information in any way which he thought best. It was totally ill-judged in the Secretary to have conveyed his opinion in the very words of a clause in a bill that had passed through the Senate last session, and been rejected in that House. The communication translated into plain language amounted to this: "The Senate last session had more wisdom than this House, and it is proper for this House to reconsider its proceedings, and improve by the superior wisdom of the Senate." Due respect should, however be paid to the Message of the PRESIDENT. It ought to be taken into consideration, and Mr. M. was not willing to cast obstructions in its way, or to make needless objections.

Mr. DAYTON said, that he was for referring the Report of the Secretary at War, with the PRESIDENT's Message to the Committee of the Whole, and that consequently he was against striking out the words which expressed that intention. If, by omitting to take any notice of the Report of the Secretary, it was meant to reject the information on account of the source from which it came, it argued such a degree of jealousy and distrust as appeared both unreasonable and unconstitutional. If, on the contrary, the object was not so much to reject it, as by the manner of referring the Message, to convey any reproof or disrespect towards the late Secretary of War, Mr. D. should be still more decidedly averse to the modification proposed. He lamented it as an unhappy circumstance for this country, that the gentleman who was lately the Head of the War Department had thought proper to resign. That gentleman had executed the complicated and important duties of his office with zeal, fidelity, and ability, and ought to be protected from any proposition or remark which glanced unfavorably at him, or might wound his feelings at the moment of his leaving us. Mr. D. then adduced the Report of the Secretary of War in 1790, to the PRESIDENT, on the subject of the Militia system, as a striking precedent. The Secretary there informed the PRESIDENT, that he had submitted to him a plan for the arrangement of the Militia. The PRESIDENT sent a Message with the plan to

the House of Representatives. What were the steps then taken in that parallel case? Was the Message then alone referred as it is now proposed by some gentlemen? The Journals, on the contrary, prove, that the Message and plan were referred to the Committee of the Whole. It was possible, Mr. D. added, that the present Congress might deem themselves wiser than their predecessors. It was possible that many might think it safest to shut their ears against all kinds of information from the Heads of Departments, or even from the PRESIDENT himself. There might be some who would be willing to free the House of Representatives from certain obligations, or shackles under which the Constitution placed them, by tearing out a leaf from that instrument, but he ventured to say that it was too soon yet to attempt it.

Mr. SMILIE complained of the style of the memorial from the Secretary of War, and, as a specimen, he read the following passage:

"It is a melancholy reflection that our modes of population have been more destructive to the Indian natives than the conduct of the conquerors of Mexico and Peru. The evidence of this is the utter extirpation of nearly all the Indians in the most populous parts of the Union. A future historian may mark the causes of this destruction of the human race in sable colors. Although the present Government of the United States cannot with propriety be involved in the opprobrium, yet it seems necessary however, in order to render their attention upon this subject strongly characteristic of their justice, that some powerful attempts should be made to tranquilize the frontiers, particularly those South of the Ohio."

In reading the above extract, Mr. M. went no farther than to the words *sable colors*. Mr. S. SMITH desired that he should read on, that the House might hear that no insinuation was intended, as if the present Government of the United States had countenanced such ravages. Mr. SMILIE said, that he knew what came after, but who would compare the first settlers of North America to the Spaniards, who destroyed in their mines thousands and millions of the Indians, and whose memory had been consigned to the execration of centuries?

Mr. AMES rose. Just when he had begun speaking, there came in a Message from the PRESIDENT by his Secretary. On this, Mr. A. observed, that perhaps, while gentlemen were now speaking there might have arisen a new subject of dispute. Perhaps by the new doctrine, we should reject all communications from that quarter. The Message having been delivered, Mr. A. went on to remark, that turning loose the American militia to guard the Southwestern frontier, was a system of slaughter, of desolation. It was to make a Potter's field an hundred thousand miles in extent! It was a system to waste the blood of the white man, and to extirpate the Indians. The militia were not the people to prevent those kind of injuries against the Indians which were the cause of hostilities. But gentlemen who were now so delicate as to the style of memorials, would do well, if they extended that delicacy to other memorials which had been pre-

sented to that House, and referred by the consent of those very members to select committees. Papers had been offered to that House, wherein its conduct had been criminated and reprobated in the most unqualified language of detestation. Yet gentlemen, on some of these occasions, showed no resentment. Mr. A. ridiculed the idea of the present motion as introducing a new and dangerous precedent. The opposition to it came exactly under that description, for it was a direct attack upon the principles of the Constitution.

Mr. FRITSIMONS approved of the motion. It had been asked if the PRESIDENT was responsible for the contents of this Report from the Secretary of War? Mr. F. did not think so; but if he had not communicated it, the member would have thought him responsible for the omission. The PRESIDENT had a right to ask advice from the Heads of the Departments. Mr. F. never knew a Message from the PRESIDENT which required a reference, that had been refused it. As a matter of course, as a matter of right, it ought to be referred.

Mr. MURRAY rose and read that passage in the Report of the Secretary, which Mr. S. SMITH had desired Mr. SMILIE to read, and which he had not read. [They are inserted both together at full length as above.]

Mr. NICHOLAS moved an amendment, and which was seconded for striking out the latter part of the resolution proposed by Mr. MURRAY. This made it merely a reference of the Message from the PRESIDENT to the Committee of the Whole, and omitted all notice whatever of the report from the Secretary of War.

Mr. SEDGWICK really thought this a squeamishness for which he saw no manner of foundation.

Mr. GILES arose.—He said that a gentleman from Massachusetts had asserted that some members considered the whole Constitution as entirely in this House. This imputation was a thing of so serious a nature, that Mr. G. wished the gentleman to point out the person to whom he alluded. If it respected Mr. G. himself the assertion was unfounded. It was not true. He had the highest respect for every branch of the Constitution. This was a charge frequently made by one side of the House. Gentlemen had called the contents of this paper information. He saw in it nothing but what the House knew without the assistance of the Secretary. He considered the report as an effort upon the opinion of this House, as an attack upon its independence, and that in a very indelicate way. He thought the report in all respects unworthy of the notice of the House. He hoped that this paper would not be committed, but that the Message of the PRESIDENT would be so.

[The passage in the report repeatedly referred to as having been borrowed from a bill passed in the Senate, last session, is in these words:

"That all persons who shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory South of the Ohio, for the purpose of warring against the Indians, or committing depredations upon any Indian town, or persons, or property, shall thereby become

JANUARY, 1795.]

Defence of the Frontier.

[H. OF R.]

liable and subject to the rules and articles of war, which are or shall be established for the government of the troops of the United States."

This was a section of a bill which the Senate passed the last session, entitled "An act for the more effectual protection of the Southwestern frontiers," but it was disagreed to by the House.]

Mr. KITTERA considered this as entirely a dispute about words, or plainly about nothing at all. Gentlemen from Virginia were more jealous of the Executive than even the Constitution itself. Mr. K. was satisfied that the PRESIDENT had a right to interfere in the Legislative proceedings with his opinion and advice. There was neither principle nor precedent for the amendment of Mr. NICHOLAS. The dispute was merely about words, because if the Message of the PRESIDENT was referred to a Committee of the Whole, the report in question would, in any case, be referred along with it.

Mr. AMES rose again to make some remarks on the danger of extending too far the privileges of the House of Representatives over the other House. The moment that this House is turned into a Convention, there is an end of liberty. As to impropriety and indelicacy of style, he could wish that the cognizance of members might extend to memorials addressed to the House, that we may not have addresses disrespectful to it. He entirely vindicated the conduct of the PRESIDENT as to this matter, and saw a peculiar propriety in his having made the communication at present on the table.

The question was loudly called for; but Mr. NICHOLAS rose in reply to Mr. AMES. Would any man call this a communication from the Executive? Mr. AMES spoke a few words in a low tone of voice. Mr. N. proceeded, "The gentleman prevaricates." "I prevaricate, sir!" rejoined Mr. A. Mr. N. said, that at best he went off from the point. As to the precedent produced by Mr. W. SMITH, it was quite inapplicable. It bore no resemblance or connexion to the one before the House. The other adduced by Mr. DAYTON was, he admitted, in point. But that gentleman would admit that it occurred in the infancy of the Constitution, which was an excuse for it. He hoped that the amendment would go through.

Mr. TRACY quoted something which Mr. NICHOLAS had said. That gentleman immediately answered, that he had been misquoted. I know, said Mr. TRACY, as well as that gentleman, what he said. Mr. NICHOLAS got up a second time, and repeated what he affirmed were the words which he had really spoken. He did not say so before, said Mr. TRACY, but I am content that he should say so now. I only beg that he may not interrupt me. As to the motion for striking out one-half of the resolution, Mr. TRACY looked upon it as out of all propriety. The PRESIDENT had sent a letter of two lines, enclosing a report from the Secretary of War. To refer the former without the latter, would be like referring to any person the superscription of a letter, but adding, at the same time, you must not look at the inside of it. Mr. T. did not care from whom the report came.

If it contained useful information, that was all he wanted to know. And, supposing it had been sent from a Democratic society, that of itself would with Mr. T. be no reason to refuse it a reference. He then observed how much more deference had been paid by that House to Democratic societies than was now paid by some gentlemen to the PRESIDENT. Much care had been taken that a vote of censure should not be passed on them. It looked as if gentlemen wanted to grasp all power within this body. The amendment was wrong in point both of principle and practice. To refer a mere superscription, (for the letter of the PRESIDENT was nothing more,) would look strange enough. The resolution, as amended, was in a state of hostility with common sense.

Mr. LYMAN was in favor of the amendment for striking out the words in the latter part of the motion. He thought it improper to refer to a Committee of the Whole House the report of the late Secretary of War, because it was of an amphibious nature. It was not a mere official statement of supposed facts, but the reasoning on these facts. He was sensible that precedents could be found on the Journals, which sanctioned a commitment of similar reports; but, for his part, he had ever thought the practice improper, and he must meet the question as it appeared to him. He said, that the Constitution authorized the PRESIDENT OF THE UNITED STATES, may, it made it a duty incumbent on him, to give information, from time to time, of the state of the Union. He was also equally required to suggest, for the consideration of the House, whatever he thought expedient; but there was a most material difference between communicating information, and argument or inferences deduced from it. The official information would always, without doubt, be reports from the different Departments, and, therefore, would have the credit and weight which was due to it; but whenever plans or arguments were communicated, they should have the responsibility attached to the signature of the PRESIDENT. What was the case in the present instance? Had the Executive avowed the plan of the Secretary of War, or his reasoning? He was persuaded, from the communication itself, that the PRESIDENT did not at all espouse the report as his own wishes or opinion; for there was nothing in the Message implying that the report had been officially required, or that any one sentiment was from the high authority of the Executive. As to the Secretary of War, Mr. L. had a respect for him, and believed that he had discharged the duties of his office with ability and fidelity, but it implied no censure to decline hearing his arguments. All that the House wanted was facts and information. They were fully competent to the suitable deductions. As to the observation of his colleague, that the House were abridging the powers of the Executive, it was so far from being the case, they were only reclaiming what had been remitted and disused; and he had no fears that they would abuse it.

Mr. HILLHOUSE thought that gentlemen were

spending time in a very trifling way. It is the duty of the House to hear information from every quarter. He was against the amendment.

Mr. J. WADSWORTH said, that some gentlemen had been offended at the comparison in the report between the North American settlers and the Spaniards. Mr. W. remarked, that if gentlemen would look into two historians, the one of Virginia and the other of New England, they would see bad enough work. If the Spaniards, or any other nation in history, had acted worse, he was much at a loss to comprehend what their proceedings could have been. As to Pennsylvania, much had been said of the purchases from the Indians of their lands; but where was the difference between shooting an Indian and catching him in a trap? And, as to the conduct of the Pennsylvanians, when they drove the Indians back to Pittsburgh, that was sufficiently cruel. We have murdered them from the beginning, said Mr. W. As to the question on the amendment, he knew perfectly well that the PRESIDENT had acted exactly conformable both to the Constitution and the practice of the House. To refuse committing the report of the Secretary along with the Message, would be an affront, not to the Secretary, but to the PRESIDENT.

Mr. MADISON looked upon the expression, as to the Spaniards, as being extremely exceptionable. It had escaped, perhaps, inadvertently. The Secretary would not have used it in a report to the House, nor would the PRESIDENT have employed it, as from himself, in any Message to the House. Mr. M. was for the amendment. It was natural enough that the Secretary, when communicating his sentiments in a private manner, should make use of illustrations for enforcing his opinion that he would not have adopted in an official paper.

Mr. PAGE was persuaded that the Report from the Secretary of War contained nothing new, or, if new, nothing which may not as well be used when in the hands of members, as when in those of a Committee of the Whole. If the amendment had been to throw the Message under the table, more warmth could not have been shown, in charging the opposers of the motion for reference to a Committee of the Whole with indecency to the PRESIDENT, and with a design at usurpation of his power, &c. It is said, that a jealousy has been betrayed by some members of an encroachment on the privileges of this House. Surely, a most unnecessary and unreasonable suspicion has also been betrayed by others, of a design in the gentlemen who supported the motion of Mr. NICHOLAS, to encroach on the powers of the Executive. Expressions have been used not consistent with decency and order. Gentlemen have been charged with a factious spirit, favoring indecent remonstrances, and with slighting and treating contemptuously the Message from the PRESIDENT. Some members have, at another time, been charged with speaking, not to the House, but to their constituents, in order to gain their votes at an approaching election. Mr. P. said, that his respect for the Government, and for the PRESIDENT, was equal to that of any man in the House. He was

far from wishing to reflect on the late Secretary of War. Mr. P. had never, by any vote, censured his conduct, and he entertained no wish for his resignation. But he was at liberty to think the report given to the PRESIDENT wrong, the communication of it to the House as unnecessary, and even if necessary, as sufficiently acted upon when printed and put into the hands of the members. He might have no doubt respecting the Constitutionality of the Message from the PRESIDENT, or of the report of the Secretary to him. He might require no precedents from the Journals to prove that the motion for referring that Message was perfectly in order. But he might doubt whether the substance of the report was of such a nature as to require the consideration of the Committee of the Whole. He might also doubt whether the report was of sufficient importance to require the most mature consideration. There might be circumstances attending the manner of its introduction, as some members allege that there were, which render the report improper to be referred to a Committee of the Whole. It would be a precedent for referring every Message, and that would be attended with unnecessary delay. It will be paying a superfluous compliment. If the information came from the poorest citizen, and was sufficiently important, he would refer it, but though it came from the PRESIDENT or Senate, and contained nothing which, in his opinion, required a commitment, he should vote against it. Mr. P. was for the amendment of Mr. NICHOLAS.

Mr. S. SMITH remarked, that the principal objection made by the gentleman who spoke last, [Mr. PAGE.] to the commitment of the report was, that it contains nothing new. The observation will apply with equal justness to a great part of what has been said on the subject before the House. He wished, therefore, that the question might be immediately taken.

The amendment was negatived without a division, but by a very great majority. The motion, as it originally stood, was then put and carried.

TUESDAY, January 13.

A memorial of Arthur St. Clair, late a Major General in the Army of the United States, in behalf of himself and his son, Daniel St. Clair, an officer in the same Army, was presented to the House and read, praying that the locations which they have made of the respective proportions of land due for their military services during the late war, in one of the ranges of townships on the river Ohio, may be confirmed to them, and grants issued for the same.

Also, the memorials and petitions of sundry officers and soldiers of the late Army of the United States, whose names are thereunto subscribed, of Samuel Brady, of Absalom Martin, and of Dudley Woodbridge, to the same effect.

Ordered, That the said memorials and petitions be referred to Mr. HARTLEY, Mr. GREENUP, and Mr. PLEG WADSWORTH; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

JANUARY, 1795.]

Promulgation of the Laws.

[H. OF R.]

A message from the Senate informed the House that the Senate have passed a bill entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States;'" to which they desire the concurrence of this House.

The said bill was then read twice and committed.

The House proceeded to consider the report of the committee to whom was referred the memorial of John Field, Jesse and Robert Waln, and Harts horne, Large, and Company, which lay on the table: Whereupon,

Resolved, That John Field, and the other owners of the ship Pigou, be authorized to export in the said ship a quantity of lead imported in the same ship in the month of — last; and that the Collector of the District of Pennsylvania be authorized to grant a clearance for the same.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FITZSIMONS, Mr. GOODRICK, and Mr. RUTHERFORD, do prepare and bring in the same.

Mr. WILLIAM SMITH, from the committee appointed to inquire and report whether any, and what alterations ought to be made in the act imposing duties on snuff manufactured within the United States, and to whom was referred the memorial of the sugar refiners of the city of Philadelphia, made a report; which was read, as follows:

"That in the opinion of the committee, there is not sufficient experience of the utility of the acts imposing duties on snuff and refined sugar, to recommend a continuance of the said acts beyond the period to which they are at present limited. With respect to the act laying duties on snuff, the committee recommend an immediate alteration of the mode of collecting the duties, by laying the same on the mortar. They, therefore submit the following resolution:

Resolved, That a committee be appointed to prepare and bring in a bill to amend the act laying duties upon manufactured snuff, and to alter the mode of imposing the said duties by imposing the same on the mortar."

The said report being again read,

Ordered, That so much thereof as relates to the discontinuance of the act "for laying certain duties upon snuff and refined sugar," beyond the period to which it is at present limited, be committed to the Committee of the Whole House to whom is committed the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

Ordered, That such other parts of the said report as relate to an immediate alteration of the mode of collecting the duties on snuff manufactured within the United States, be committed to a Committee of the Whole House to-morrow.

Ordered, That the report of the committee to whom were referred the laws of the Territory of the United States Northwest of the river Ohio, passed the 1st day of August, 1792, which was made to this House on the 24th day of May last, be committed to a Committee of the Whole House to-morrow.

PROMULGATION OF THE LAWS.

The House went into a Committee of the Whole on the means of promulgating the laws, Mr. COBB in the Chair. A great variety of plans were proposed, but none that seemed to meet the general sense of the House. It was admitted that the same mode of distributing the laws which would answer extremely well for one part of the country would not at all suit for some others. To give the copies to be disposed of by the State Legislatures, was recommended by some members. Mr. BALDWIN observed, that this would not answer for Georgia. The books would be landed at the distance of two hundred miles from the town where the Assembly meets. They are carried across the country to that place, instead of being distributed in the counties through which they pass. When they arrive at the seat of Government the Assembly have risen, and probably will not sit again for six or nine months to come. Mr. BALDWIN said, that rather than see the heart-burning which had existed among the people of Georgia for the last six years, from ignorance of the laws, he would pay a part of the expense of distributing them himself. Mr. B. knew one way by which the Secretary of State might distribute the copies of the laws very effectually in the State of Georgia. This was by intrusting them to the member himself. He was better acquainted than most people with the places in Georgia to which these books ought to be sent, and the persons to whom they ought to be given. He was ready to take the whole business on himself. Mr. HILLHOUSE, who rose sometime after, had no doubt that gentlemen might find it extremely convenient to have the edition of the laws entirely at their private disposal. He had no objections, however, to this scheme.

Mr. PAGE wished not only that the laws might have been printed, but that everything else which passed in that House, and every word which was spoken, might be accurately taken down by a short-hand writer employed for that purpose by the public, and the whole printed and distributed. The people would then be able to judge exactly of the conduct and character of those whom they chose to represent them.

After much miscellaneous conversation it was moved that the Committee should rise, the Chairman reported progress, and asked leave to sit again. The motion was negatived—ayes 41, noes 42. The same motion was again made, some time after, and agreed to. But the motion for leave to sit again was negatived.

It was then moved by Mr. W. SMITH that a committee consisting of a member from each State in the Union should confer on this subject. This was agreed to; and on the motion of Mr. VANS MURRAY, Mr. WHITE, the member from the Southwestern Territory, was added to the number.

WEDNESDAY, January 14.

A memorial of Parker, Hopkins, and Meers, of the town of Savannah, in the State of Georgia

H. OF R.]

Purveyor of Public Supplies—Public Debt.

[JANUARY, 1797.]

was presented to the House and read, praying the aid and patronage of Congress to enable them to complete a work which they have undertaken for the purpose of making an accurate survey of the sea coast and inland navigation of the States of South Carolina and Georgia.

Ordered, That the said memorial do lie on the table.

A memorial of George Latimer and others, merchants, of the city of Philadelphia, was presented to the House and read, praying that they may be allowed the drawback of the duties on a quantity of sugar and coffee imported by the memorialists in the port of Newbern, North Carolina, and thence brought to the port of Philadelphia, from which they are desirous of exporting them to a foreign port.

Ordered, That the said memorial be referred to Mr. FITZSIMONS, Mr. GOODRUE, and Mr. EDWARDS; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House resolved itself into a Committee of the Whole House on the memorial of Thomas Dannery; and, after some time spent therein, the Chairman reported that the Committee had had said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the prayer of the said memorial is reasonable, and that the tonnage duties on the vessels therein mentioned be remitted.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. SAMUEL SMITH, Mr. LYMAN, and Mr. VAN CORTLANDT, do prepare and bring in the same.

On motion of Mr. FITZSIMONS,

Ordered, That a committee be appointed to report a plan for perfecting a road between the Southern and Eastern States, the expenses whereof be defrayed out of the revenue of the Post Office; and that Mr. FITZSIMONS, Mr. GILES, Mr. MURRAY, Mr. JEREMIAH WADSWORTH, Mr. BALDWIN, Mr. DEARBORN, and Mr. McDOWELL, be the said committee.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize the exportation of a quantity of lead, in the ship Pigeon, to China; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act in addition to the act, entitled 'An act to regulate the pay of the non commissioned officers, musicians, and privates of the Militia of the United States, when called into actual service, and for other purposes;'" to which they desire the concurrence of this House.

Mr. DEXTER, from the committee to whom was referred so much of the Message from the PRESIDENT OF THE UNITED STATES, of the 8th instant, as relates to the letter from the Judge of the District of Pennsylvania respecting certain interruptions in the judicial proceedings of that District, made a report; which was read, and ordered to lie on the table.

PURVEYOR OF PUBLIC SUPPLIES.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to establish the office of Purveyor of Public Supplies."

Mr. CARNES wished to have some evidence that there was occasion for a Purveyor of Public Supplies, with so large a salary; otherwise, he should think himself obliged to vote against the proposal.

Mr. SEDGWICK, when the bill was first brought in, had approved of it in his own mind, and on conversing with the Secretary of the Treasury, he learned, as the opinion of that gentleman, that it was an extremely economical and very necessary thing.

Mr. B. BOURNE said, that there had been a Message on this subject from the PRESIDENT, on the 11th of December last. This was accordingly read. It had enclosed a memorial from the Secretary of the Treasury, on this establishment, which was also read.

Mr. VENABLE moved to alter one part of the bill. Instead of saying "under the direction and supervision of the Secretary of the Treasury," he thought it better to say under the direction of the Secretary of War. The supplies were for that Department.

Mr. HEISTER seconded this motion.

Mr. FITZSIMONS thought the superintendence better as it stood.

Mr. PARKER moved to strike out the first clause of the bill. He had objections both to the bill itself and to the amendment suggested by the gentleman at his left hand. He thought that a Naval Agent should be appointed, and be responsible to the PRESIDENT only.

Mr. CARNES thought the House had as yet too little information to decide whether the establishment was necessary or not. He believed that he should be disposed to vote with Mr. PARKER, and then for a committee to inquire into the matter.

Mr. SEDGWICK wished that the gentleman would not then begin by destroying the bill.

Mr. CARNES had no such design. He moved, therefore, that the Committee should rise, report progress, and ask leave to sit again. This was accordingly done. But leave was not granted. The subject was referred to a select committee.

PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

The report having been read by the Clerk, Mr. W. SMITH moved that certain duties therein named should be continued, not to 1891, as proposed in the report of the committee, but that this term should be struck out, and the duties continued till other taxes could be instituted for discharging the Public Debt.

Mr. NICHOLAS said, that since the report had been made, a committee had been appointed to take into consideration the complaints of the sugar and snuff manufacturers, and it was now proposed

JANUARY, 1795.]

Public Debt.

[H. OF R

to make an alteration in the mode of levying the excise on snuff and sugar. Mr. N. had been one of the committee. Evidence had been adduced that the manufacture of snuff was stopped altogether, from the impossibility of carrying it on under the present system of excise. There had been no rise in the price of refined sugar, yet it could not be sold. It laid on the hands of the manufacturers.

Mr. S. SMITH opposed the motion for striking out that part of the report which continued these duties to the year 1801. It had proved extremely injurious to the manufacture. This amendment would perpetuate the law, which was, he hoped, contrary to the design of the gentleman who moved it. The houses where manufactures had been carried on were shut up. We had not, indeed, obtained any information from the officers of the excise, as ought to have been done, in order to learn whether it was possible to collect the excise in this mode or not. Yet, in the face of the evidence of the manufacturers, and without any authority to contradict them, we are going to perpetuate the excise. As to the duty of two cents, it has been proved that this is paid by the manufacturer only, and that he cannot lay it on his customers. Will any gentlemen propose to perpetuate a law, which is to perpetuate the destruction of a manufacture? The sugar bakers of Philadelphia demonstrated to the satisfaction of the majority of the committee that this would be the case. People who now buy loaf sugar, would then buy brown sugar—which ends the affair.

Mr. McDOWELL would rather vote for the repeal altogether, than for the proposed amendment.

Mr. SHERBURNE said, that, during last session, when the excises in question were imposed, much had been said of the impropriety of laying such taxes on the manufactures of this country. In reply, it had been asserted, in the most positive style, that the impost duties would fall infinitely short, and there was even a kind of stigma attempted to be cast on gentlemen who objected to the laying on of these duties, or who doubted that the revenue would fall short. At present we have accounts from all quarters, of the ruinous consequences of these excises. The impost, instead of falling short, has been higher than it ever was before. The alleged cause why the new taxes were laid, has proved to be without foundation. This, in itself, is an adequate reason why they ought to be repealed. But there is a second reason, viz: the destructive nature of the taxes themselves.

Mr. FIZZSIMONS would not allow that any revenue law could have its effects fairly tried in one or two years. He could not admit that the sugar duty would fall on the manufacturer. He would ask any member of the committee, whether the effects of this tax could be fully understood in three or four months; for that, he believed, was the time during which they had been in effectual operation? As to the quantity of sugar on hand, it may be supposed that when a duty was to be laid on, large quantities would be bought up be-

forehand. It had also been reported—but he did not pretend to warrant the truth of the report—that there had been a suspension of buying, in expectation that the duty would be taken off. The sugar bakers had the market entirely in their own hands, and he did not believe that the people of America would want refined sugar for the difference of two cents in a pound. He was entirely against any sudden and unadvised repeal.

Mr. GOODHUE did not admit that the tax fell on the manufacturer alone. The merchant, who paid an impost on imported goods, might as well say that he paid the impost out of his own pocket. He could not affirm, but he thoroughly believed, that as much refined sugar was consumed in the country, at this hour, as when the duty was first laid. But the way to save the manufacturers was, to lay another duty upon sugar unrefined. The latter would then be raised equally with the former, and as very little refined sugar is imported, the American sugar bakers would have a complete monopoly. In reply to Mr. SHERBURNE, about the impost, he inquired whether we were afraid of having too much money? It was proper to pay off the Public Debt, and for this purpose it was necessary to collect as much money as could be had in a proper way. The manufacturers of whiskey had alleged that they were much injured by the excise, Mr. G. believed the fact to be otherwise.

Mr. FINDLEY confined himself to the propriety of extending the limitation of excises on snuff, sugar, &c. He said that they had been opposed last session on principle, as laying improper restrictions on the manufacturers, discouraging the fair trader, and extending a precedent that would eventually lead to levying excises on all manufactures; but when the limitation for two years was introduced, as an accommodation, the opposition was so far given up as that the yeas and nays were not called; therefore, it was enacted as a law of experiment. He complained that now, before the experiment was made, the limitation was attempted to be extended. He said that the limitation was a pledge of the faith of Government to the public, that the law would not be extended till experience of its utility and productiveness would justify the measure. He asked where was the report from the Treasury, informing us what was the product of these revenues? There was none. But from the manufacturers there was information. They had made it appear to the committee, that the snuff excise, as it stood, was impracticable, except as to hand-mills, which never could be productive, and might be wrought in secret and elude the tax, and that the consumption of loaf sugar was greatly decreased. He expected that the snuff law would be rendered practicable. He did not urge that either of them should be repealed now; he only wished that the faith of Government, enacting the limitation, should be supported. He hoped that his disposition to discharge the Public Debt would not be tested by his refusing to extend the limitation. He would discover, on a proper occasion, that he was very willing to pay the Debt, by opening resources of a more general and productive kind. He was not for delaying that business, by

H. of R.]

Public Debt.

[JANUARY, 1795.]

depending on small and uncertain excises upon manufactures, which for every forty or fifty thousand dollars they would produce, would raise a new and separate host of difficulties. It was time enough to extend the limitation, when it shall be known what amount is produced, and how it will affect the manufacturer.

Mr. DAYTON was in favor of continuing the sugar excise till the year 1891. He said that two arguments, inconsistent with each other, were offered against it. One was, that the sugar bakers would be forced to pay the excise themselves, which would end in destroying their trade. The other was, that the advanced price of sugar had driven their customers to the use of unrefined sugar. Both accounts could not be true. If the manufacturer paid the duty out of his former profits, the price was not advanced. If he advanced the price on his customer, he did not pay the price out of his own pocket. He would leave gentlemen to take whichever side of the question they pleased. But he did not think it proper that they should occupy a double ground. In one particular passage, he was not sure that he understood Mr. S. SMITH, who explained.

Mr. SEGWICK said, he rose particularly to request that his friend [Mr. W. SMITH] would withdraw his motion, for continuing the taxes laid last session, beyond the year 1801; not because he himself should not prefer a longer continuance, but because he had understood that time had been agreed on by the select committee, as a matter of compromise. Mr. S. said, as he was now up, although he had no intention of speaking fully to the subject, he would submit a few cursory remarks. He had expected, when he recollected what gentlemen had formerly said on the subject of the Debt—when he called to mind the public opinion, which he believed no member of the Committee mistook, he had expected an unusual degree of unanimity in the attempt honestly to provide a Sinking Fund. As we progressed in our deliberations, he yet entertained a hope that his expectations would not be disappointed. If the Committee be determined, in earnest, to adopt the means of reducing the Public Debt, taxes adequate not only to the proposed reduction, but to the necessary accruing expenses of Government, must be imposed. Without the latter, there could be no well-grounded confidence that the former would be continued. If other taxes could be substituted, less objectionable than those under consideration, they should certainly be accepted. The taxes contemplated were, on loaf sugar, snuff, licenses for retailing spirituous liquors, sales at auction, and carriages. He would not enter into a discussion of the merits of those taxes; he would, however, observe in general, that, in his opinion, the Legislature, in laying those taxes, had either wisely or accidentally hit on those subjects which were among the most eligible. In the commencement of the operation of any tax, probably inconveniences and embarrassment would be felt by those who were directly called upon. Certainly, plausible objections might be made. A change of subjects of taxation was itself a very great evil;

and, whenever a change was proposed, the conveniences and inconveniences should be duly considered. To these taxes, generally, it was objected, that they had not the test of experience. The same was also true of any substitute which might be proposed, excepting direct taxes. He hoped, in the progress of this discussion, to find gentlemen sincere. Respecting direct taxes, it was not his intention to speak particularly; he could not, however, omit to declare, that, in his opinion, there was not one gentleman belonging to the Legislature who supposed there was even a possibility, that they could be received as a substitute for those immediately under consideration; for, although there might be individuals within the House, and districts of country, who approved, or affected to approve, direct taxes, as the means of reducing the Debt, yet, both here and there, they were such an inconsiderable minority as, in the opinion of all, rendered it impossible to attempt the expedient. If, then, direct taxes could not be resorted to, to offer them as the Sinking Fund, would certainly create doubts of sincerity. With regard to the taxes on snuff and loaf sugar—respecting which, hitherto, the only explicit objections had been made—they were objects of luxury, and, as such, properly sources of revenue. They were domestic manufactures, it was true, but by our regulations all foreign competition in the sale of those articles was excluded, and the consumer, therefore, would undoubtedly be compelled to pay the tax. Mr. S. concluded, by again requesting Mr. SMITH to withdraw his motion, for the reason before given.

Mr. W. SMITH.—The House having unanimously resolved to make provision for the reduction of the Debt, and the Committee being now engaged on that subject, gentlemen who oppose the resolution under consideration, must either show that the existing revenues are adequate to the object, or propose other revenues more suitable than those recommended by the report.

No gentleman has attempted to do either; their arguments have been only a repetition of censure of the taxes on snuff and sugar. If these taxes are so exceptionable, said Mr. S., strike them out of the report, but do not involve in their condemnation all the other internal revenues. With respect to the duties on snuff and sugar, Mr. S., who had been on the committee, and heard all the complaints of the manufacturers, had not been convinced that they were so oppressive as was represented; indeed, the committee had not advised the repeal of them, which they would have done, had they deemed them oppressive. The snuff manufacturers had stated, as a grievance, the mode of laying the duty, because it subjected them to unnecessary trouble, and was liable to fraud, at the expense of the fair dealer. This the committee had proposed to alter, and to lay the duty on the mortar; he believed that this commutation, with some other regulations which had been suggested by the manufacturers, would remove all their reasonable complaints. As to a duty on snuff being oppressive, he could not believe it. The manufacturers had acknowledged that there

JANUARY, 1795.]

Public Debt.

[H. OF R.]

were only about one thousand three hundred pounds imported, and there were nearly five hundred thousand pounds consumed in the United States; they might, therefore, he said to have nearly the monopoly of the article; the duty would consequently be paid by the consumer. Snuff was an article altogether of luxury; each individual consumed but a small quantity, and would not, for so trifling a tax, be induced to diminish his consumption. Were it not excised in the hands of the manufacturer, it would escape taxation altogether? if not manufactured here, it would be imported and pay the impost; did gentlemen seriously mean that an article altogether of luxury, and paid by the consumer, who could well afford it, should not contribute something to the revenue, when salt, so essential a necessary of life, and many other articles of necessity, contributed largely? For his part, he had not been able to discover what entitled it to so special an exemption. With respect to the duty on manufactured sugar, many of the foregoing observations would apply; it was an article of which the manufacturers had the monopoly, the duty would consequently be paid by the consumers, who were of the wealthier class of citizens, and could well afford it; the smallness of it, two cents per pound, would not materially affect the consumption. The manufacturers had indeed complained to the committee that the consumption in this city had diminished since the imposition of the duty; but Mr. S. believed it was attributable to other causes, some of which were of a local and temporary nature; one, the committee had been told, was the qualmishness of some of the Quakers, who had discontinued the use of sugar; this was a local, and he fancied, would be only a temporary obstruction; other causes of the diminution of the sales had been stated by a gentleman, and were by no means ascribable to the duty. Of this tax, Mr. S. would remark, as he had of snuff, that, while salt and brown sugar, which were consumed in large quantities by the poor, contributed to the revenue, it would be as unjust as it would be unequal to exonerate it altogether from its share of contribution; indeed, he did not know two articles more proper for taxation than *snuff* and *loaf sugar*. Great stress, however, had been laid on the idea of their being domestic manufactures, and it had been contended, that all such ought to be exempt from taxation. To this doctrine, Mr. S. could not subscribe; for, although he concurred in sentiment that infant manufactures required encouragement and protection, (and they should ever receive it as far as his voice went,) yet, he conceived that the policy and welfare of this country required that *full grown* manufactures, like those of snuff and sugar, which had the monopoly of the supply, should be resorted to for their share of contribution. This he thought indispensably necessary to supply the deficiency occasioned by the stoppage of importation, and to reach the article in the hands of the consumer. Otherwise, in the event of domestic manufactures supplying us with many of the commodities which are now imported, the duties on which are appropriated to the interest of the Pub-

lic Debt, there would be a considerable defalcation of the revenue, and a consequent breach of the public faith. He acknowledged that care should be taken not to oppress the manufacturer by severe regulations or by so high a duty as to lessen the consumption. But the mere objection of its being a domestic manufacture was not of itself a sufficient objection; it had not been so considered in the case of the excise on stills, and he trusted it would not on this occasion. So far from its being the prevailing sentiment at the last session, the two laws had passed both branches of the Legislature by a large majority, after hearing all that the manufacturers and the opponents of the tax could allege against it.

No gentleman had suggested any substitute; a land tax had been mentioned out of doors. He should not now enter into a consideration of that species of revenue; he would only observe on the extreme inequality of its operation; some States were still burdened with debt to pay, for which they depended on a State land tax; others were totally clear of debt and laid no land tax; a land tax by Congress would impose a very unequal burden and be very oppressive to some parts of the Union; but, admitting that such a tax should be resorted to, much time would elapse before it could go into full operation: in the mean time, let these revenues which now exist be continued, and whenever a direct tax, or any other, shall be laid, he was content that these should be repealed. The resolution meant no more; it does not go to the perpetual duration of these taxes, as has been frequently repeated; it only proposes that they shall be continued in force until the year 1801, or until some other revenues of equal value shall be substituted. Now, Mr. S. said, if gentlemen were serious in their intention to pay off the Debt, if they were sincerely disposed to put an end to that clamor which the durability of this Debt has excited, let them provide for its extinction by a systematic appropriation of revenues; it was in vain for some gentlemen to wish the Debt discharged, and for others to abuse it, neither their wishes nor their abuse would do any good; the providing the money will be the best evidence of their intentions, and doing that will be considered by the public, who feel much anxiety on this subject, as the best test of our sincerity.

Mr. SMITH was against the continuance of the taxes for so long a time as that proposed by the amendment.

Mr. NICHOLAS, in reply to Mr. GOODRICH, observed, that if two cents per pound were added to the duty on unrefined sugar, this would not do any service to the refiner, who would still pay as much more in advance for the raw material. As to the double ground, objected to by Mr. DAYTON, he had a satisfactory answer to that. Mr. N. proceeded to state that the report from the select committee had not been drawn up as was intended by the members of that committee.

Mr. W. SMITH rose and contradicted this assertion. He had been lucky enough to keep the copy of the minutes of what passed in the select committee; and these minutes he read.

Mr. NICHOLAS.—I told the gentleman that this was not agreeable to my ideas.

Mr. SMITH could not help that. The thing had been put to the vote, and carried by a majority.

Mr. NICHOLAS said, that it was contrary to the opinions of a majority of the committee, and he added some explanations how the report came to be suffered to appear in its present form.

Mr. FITZSIMONS rose to remind the gentleman that it would be both more correct and more decent to confine himself to a statement of his own opinions, than to give those of the select committee.

Mr. S. SMITH, of Maryland, said, that he had understood the meaning of the committee to be exactly as Mr. NICHOLAS had expressed it. The committee would have repealed the duties referred to altogether, if they had supposed themselves to possess full enough information on the subject. Mr. S., in reply to the remarks of Mr. W. SMITH, of people objecting to taxes, and yet affecting to wish for the reduction of the Public Debt, declared that he was one who wished for the payment of the Debt, and, at the same time, for the repeal of the taxes. He took the ground of Mr. SHERBURN, and said that the continuation of the taxes was unfair. They had been proposed for two years, as an experiment. The experiment has been tried, and all the bad consequences which had been predicted by Mr. S. and others have been verified. Besides, the pretence for laying the taxes has ceased, for the impost has turned out more productive than ever it has been, yet now gentlemen insist on continuing these taxes. He said that this was a deception upon the public. But there was deception upon deception in the management of this business. There was charged in the estimate for 1795—which he would call an estimate of deceptions—one million three hundred and ten thousand six hundred and nineteen dollars, for a Western insurrection, as if we were to calculate upon an annual expedition to the back countries. This was one deception. There was another deception, or, if the gentleman from Pennsylvania did not like that word, he should call it a mistake. Mr. S., however, had got into a habit of conveying his ideas by those words most apt and significant for expressing them. He proceeded to show, that though there was to be only six hundred thousand dollars demanded for paying the National Debt, yet, that after 1795, there would be an annual balance of one million eight hundred and twenty-two thousand dollars on hand to discharge it. From this he argued that there was no necessity for continuing such pernicious taxes.

Mr. S. had the honor to state last session, that the imposts of 1794 would not be less than those of 1792. The event had justified his assertion. He now, as a commercial man, affirmed that they would equal in 1795 what they had been in 1794. It was probable that they would be still greater. The new taxes might be continued for the two years mentioned in the act, but no longer. What! when manufacturers come, with tears in their eyes, entreating you not to reduce their families to beggary, and while, at the same time, you will

have near three times as much money in your hands as will pay the six hundred thousand dollars per annum for the sinking of the Debt, are you in such circumstances to continue the tax? Mr. S. insisted much on the respectable characters of the sugar refiners of Philadelphia, who had solemnly declared that the excise would inevitably extirpate the manufacture; and he adverted, at different times, to an apparent inconsistency, as he seemed to consider it, on the part of Mr. FITZSIMONS, who had admitted that the sugar refiners of Philadelphia were of a most respectable character, and yet questioned the accuracy of their assertions, in a matter of which they were perfectly competent to judge with precision. He then took notice of some things which had dropped from a gentleman at his left hand, [Mr. GOODHUE,] who had spoken of the effect of excise on Massachusetts, as it was a favorite with the manufacturers. Now, if they can do so well to the Eastward, said Mr. S., with their excises, I would be glad to know what the gentleman sees in me, that he thinks I could not do as well as they. Whatever might be the case in New England, Mr. S. never could manufacture under an excise. He had been a friend to the excise on distilleries, because he had thought it a good measure for the country in general, but as to his own distillery, he had never, since an excise was imposed, made five shillings by it. As to his sugar-bakery, it would have the very same termination.

The gentleman who conducted that manufacture for him, (for he must observe, that personally he knew nothing about the matter,) had wrote him that the existence of the manufacture was incompatible with that of the excise. Since the law passed, the refined sugar lay, like a dead letter, on the hands of the manufacturer. It had been said that as much refined sugar was now consumed as had ever been consumed in this country. That he denied. He entreated gentlemen to inquire in their own families, and they would soon be convinced that the consumption of refined sugar was greatly reduced. He expatiated on the injustice, tyranny, and absurdity of the system of sugar and snuff excise. The system was absurd, because the object of revenue would be destroyed. It was in the highest degree unjust and tyrannical. You lay an impost on foreign snuff and refined sugar: gentlemen of capital then set up the manufacture, encouraged by your acts. To set up a snuff-manufacture required ten thousand dollars, and a sugar-bakery required ten thousand pounds. Well, you have got manufacturers engaged. Their capital is fixed; and then you come down upon them with an excise that destroys the whole. Mr. SMITH dwelt upon this idea. He did not speak in this way from any view to personal interests of his own, but from a conviction that, in a financial light, such taxes never could be of any service, and would be most destructive to individuals. He thought it sufficient that the House had by one act shut up his distillery; they were now shutting up his sugar-bakery. Some time before he had done speaking, Mr. W. SMITH observed, that as it was now past three o'clock, it would be better for the mem-

JANUARY, 1795.]

Public Debt.

[H. OF R.]

ber to defer the delivery of the rest of his remarks till to-morrow. Mr. S. SMITH, in answer, said "that the gentleman had a very happy faculty at interrupting him."

The Committee rose, the Chairman reported progress, and the House adjourned.

THURSDAY, January 13.

An engrossed bill to authorize the exportation of a quantity of lead, in the ship *Pigou* to China, was read the third time, and ordered to be recommitted to Mr. FITZSIMONS, Mr. GOODHUE, and Mr. RUTHERFORD, with instructions to prepare and bring in a bill to repeal so much of the act, passed at the last session of Congress, entitled "An act prohibiting for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," as prohibits the exportation of lead from the United States.

The bill, sent from the Senate, entitled "An act in addition to the act, entitled 'An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes,'" was read twice and ordered to be read the third time to-morrow.

The House proceeded to consider the report of the committee to whom was referred so much of the Message from the PRESIDENT OF THE UNITED STATES, of the 8th instant, as relates to the letter from the Judge of the District of Pennsylvania, respecting certain interruptions in the judicial proceeding of that District, which lay on the table; Whereupon,

Resolved, That provision be made by law for reviving all suits and processes which were commenced for the District Court of Pennsylvania, which by law ought to have been holden on the third Monday of November last, and all suits and processes which were pending in the said Court, and discontinued by the failure to hold the same; and also, all suits and processes which were pending in any special Court of the said district, the adjournment whereof had been lost by the same; and for giving day to all the suits and processes aforesaid, in the District Court next by law to be holden in the same district.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. DEXTER, Mr. HARTLEY, and Mr. HARRISON, do prepare and bring in the same.

Mr. LEE, from the committee appointed to inquire whether any, or what, alteration is necessary to be made in the laws respecting lost or destroyed certificates, made a report; which was read, and ordered to lie on the table.

PUBLIC DEBT.

The House, according to the order of the day, again resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

The second resolution in the report was under consideration of the Committee, and is as follows :

"*Resolved*, That the several clauses of limitation, in the acts for laying duties and taxes on manufactured sugar and snuff, on licenses for retailing wines and spirituous liquors, of sales at auction, and on carriages, be repealed, that the several acts be continued in force until the year 1861, and that the moneys arising therefrom be appropriated to the discharge of that portion of the Public Debt, which is redeemable by law, subject, however, to a substitution of other duties or taxes of equal value to all or any of the said duties and taxes."

Mr. GOODHUE wished to know whether it was agreeable to the rules of the House, to take a vote on each of the articles in the resolution separately.

Mr. W. SMITH said, that as the second resolution stood, it seemed indivisible. It would be better to take a vote against any particulars that are exceptionable.

Mr. TRACY objected to the general looseness in wording of the resolution. Mr. W. SMITH informed him, that in a report, it was usual to pay less attention to the style, but when the bill itself came to be drawn out, this exception would be removed.

Mr. NICHOLAS moved to strike out the words "sugar and," from the resolution.

Mr. AXES was for continuing them in this resolution. He considered Public Credit as interested in the continuance of these taxes, for assisting to clear off the public burdens. These two gentlemen last up, entered into a kind of digressive discussion respecting what burdens were to be paid by these taxes, and what not.

Mr. VENABLE. The question before the House is, whether we should now interpose to continue a law after the end of the two years for which it was originally enacted? One would suppose, from hearing of the debate, that the motion went to the repeal of a law, when it is only to say, that after the expiration of the term for which the law has been enacted, it shall be no longer continued. A gentleman has been pleased to call the voting for or against this law a test of character. Sir, (said Mr. V.) it is a sham test. It is not a test, sir. The gentlemen bring forward means of discharging the Public Debt, which we do not like, and then call the voting for or against them a test of character. The gentleman who said this, will not be able to prove that it is a test of character. Mr. V. said, that the members of his opinion were ready to offer funds. The affair was as well understood without doors, as within doors. Is it now necessary to continue these laws? Is it at present requisite to prolong the term of their duration?

Mr. TRACY.—In New York the demand for refined sugar has been greater since the tax was laid, than it had been before it; unrefined sugars are cheaper by twenty per cent. than when the tax was laid on. He did not say that the tax had caused the augmentation of demand, but the augmentation had not been prevented by the tax. He said this on the authority of a most respectable manufacturer in that State, a gentleman as respectable as any sugar baker in Philadelphia, and this comparison placed the latter in the most respectable point of view. In the little State where

H. OF R.]

Public Debt.

[JANUARY, 1795.]

Mr. TRACY lived, it had always been found, that shifting the kinds of taxes was hurtful. Mr. S. SMITH had said that the consumption of refined sugar was diminished. He believed this assertion to be groundless. [Mr. S. SMITH rose to explain. He had only stated that such was his information from the manufacturers.] Mr. TRACY had understood that the gentleman had said so. He proceeded to observe, that a great deal of the value of a tax consisted in its permanency. Is it not of the utmost consequence that the public should have an idea of its being permanent? Mr. SMITH had stated the hardship to a man of capital, who advanced ten thousand pounds upon a sugar bakery. This seemed to be a good argument, as being drawn from experience, but then other experience had been brought against it. The argument went to the opposition of all taxes, for a farmer might come from Europe, because his land had been taxed there. When he came here, he should perhaps find that one had been imposed in this country. He would then complain, perhaps, that a tax had been imposed, after he has expended his capital.

Mr. MADISON said, that the argument in favor of "permanency," advanced by the gentleman from Connecticut, had force as well as plausibility. But his reasoning would operate against all experimental taxation whatever. It had been said that voting for or against the snuff and sugar excise, would be a criterion of the disposition to pay off the Public Debt. That criterion will not be assumed by those who are to judge the point. The whole dispute is about a branch of the revenue, said to be worth eighty or ninety thousand dollars per annum, an object not of very much importance. The select committee, however, had doubted extremely whether the revenue would be efficient at all. He begged that it might be understood that the question is not, shall the tax be now repealed, but only is it proper that it should be continued beyond the time originally intended, before it has been tried? In answer to what the gentleman from Connecticut had said of "permanency," he thought it would argue greater stability for the Government not to prolong the tax any further, till the end of the period at first stipulated. Experience would, by that time, have assisted in forming a final opinion on the subject.

Mr. GOODHUE said, that a gentleman in New England, a sugar baker, and a particular friend of his, assured him that he looked upon the tax rather as a benefit than otherwise, for it secured a monopoly to the manufacturers, which was a greater advantage than the excise was a burden. The sugar bakers at Boston were of this opinion. He did firmly believe that the consumption would not be lessened by more than one hundredth part by this tax. Rich people only made use of this kind of sugar, and would any member say that they would want it, for such a trifle? He challenged any member to show that the consumption had been lessened by the tax. He was amazed that gentlemen should make such a bugbear of two cents per pound. If Mr. G. believed that the matter would end in the ruin of the sugar baking

business, he would be the last man to vote for continuing it. But he could not imagine that this would be the case. Mr. S. SMITH had said, that distilleries in Maryland were stopped, but he had not told the reason. Molasses could not be got as formerly, by the manufacturers of Maryland from the French West Indies, and so the distilleries could not go on for that reason. He did not, however, mean to affirm that the excise might not also have tended to hurt them.

Mr. FINDLEY said, that by attending to the arguments only, the question before the Committee would certainly be misunderstood. The gentleman from Massachusetts [Mr. AMES] bends the force of his argument against a repeal of the excise on loaf sugar and snuff. The gentleman from Connecticut [Mr. TRACY] argues as if we were about originating a revenue law, though neither the one nor the other is the case. The law was enacted late in the last session, and did not come into operation till last Fall. A committee of seven members have been appointed to examine its operation. The result of that inquiry is, that the manufacturers have stated great inconveniences and loss, and that no information could be obtained of its having been productive, or even practicable. The committee, convinced that much of the hardship and loss to the manufacturers might have arisen from incidental causes which were perhaps temporary, and that this law had not been long enough in operation to enable the Treasury Department to report on the productiveness of these duties, reported that the limitation should not now be prolonged, but did not think it ought to be repealed till more competent knowledge was derived from experience. Agreeably to the report of that committee, the members opposed to the report before the present committee have argued, that they did not argue for a repeal because their information was imperfect, or chiefly on one side. The present limitation continues the revenue more than two years from this time, for it is to continue for two years and to the end of the next session of Congress. Before it expires, we shall have complete information of its productiveness and utility. Even against next session, the Treasury Department will be able to give information from experience. He said that the gentleman from Massachusetts [Mr. AMES] has with great confidence stated the decision of this question, as a test of the disposition of members to discharge the Public Debt. He did not know that that gentleman had any greater authority to decide on tests than himself; and if he had, he thought his test was ill chosen. To what did it amount? The revenue in question was estimated at ninety thousand dollars, but there was no proof that this estimate would be realized, but rather the reverse. Yet, admitting the revenue to be equal to the estimate, he thought it gave but a very questionable test of the gentleman himself, being zealous for a speedy discharge of the Debt. Extending the limitation five years longer on a revenue of ninety thousand dollars, would make but a very small reduction of the Debt. If the gentleman would be content at present to appropriate the sum proposed to begin

JANUARY, 1794.]

Public Debt.

[H. OF R.]

the discharge of the Debt with, the time would soon arrive when, having greater experience of the revenue in question, a more substantial test, he hoped, would be offered. He thought it was too late in the session to propose new revenues now. If, when a sufficient experiment was made, it appeared that the excises in question were productive and convenient, much more of the same kind may be had. Many other manufacturers in this country enjoy the benefits of monopoly created by the protecting duties; and if it was judged proper to raise all our internal revenues by excises on manufactures, justice requires that these excises should be more general, and policy requires that the Debt should be speedily discharged. Our commerce, agriculture, and manufactures, are now prosperous; but, as this prosperous state cannot be insured, we ought, in the day of prosperity, to prepare for adversity. But, supposing the system of excising manufactures to be relinquished, or not to be extended, abundant and more productive sources remained to be opened.

Here Mr. AMES inquired of Mr. FINDLEY what taxes he had in view.

Mr. FINDLEY answered, that he had alluded to taxes of several kinds; that at a proper time he would determine. He supposed that no member doubted of the resources of the United States being equal to the discharge of the Debt more rapidly than is now proposed. However, he said, that, for the satisfaction of the gentleman, he hoped that at the proper time, they would both be put to the test, upon a question for a general and efficient direct tax. This he expected they would feel sensibly. It would not be rolling the burden off their own shoulders, and it would more rapidly discharge the Debt. In the mean time, he did not contend to take any thing from, nor did the gentleman attempt to add to it. He only contended to make the limitation a means of deception, by which their constituents had been tantalized. Mr. F. was exceedingly surprised to observe gentlemen who had always found fault with members for discovering a Constitutional jealousy against transfers of power from the Legislature, discover themselves, on the present occasion, so extremely jealous of the next Congress with respect to the discharge of the Public Debt. He asked if the gentleman thought that this House possessed a monopoly of all the virtue of the United States, and that the next House would have no share of it? He hoped that this House would not unnecessarily put the Constitutional power of originating revenue laws, or of changing appropriations, out of the power of their successors.

Mr. McDOWELL found himself called upon to deliver his sentiments on the resolution before the Committee, to appropriate certain duties to the reduction of the interest of the Public Debt. He had already taken the liberty of remarking, on that floor, that he regarded the Public Debt as a public evil. He did not think the resolution before the House any proper test of character, but rather as tending to perpetuate the parties amongst us. At first, the tax in question had only been imposed

by way of experiment, and for temporary purposes. Before the operation or productiveness can be known, there is a proposal to make it perpetual. This appeared to Mr. McD. to be impolitic and absurd. He observed that the arguments of the gentleman from Massachusetts [Mr. AINS] went entirely against a repeal of the law. They did not, therefore, apply to the motion of amendment, which went only to prevent prolonging the law, for a repeal of it was not before the House. He wished gentlemen to come forward with some resolutions not only for making payment of the interest of the Debt, but also for payment of the principal, as speedily as the ability of the United States would permit. He was willing, for his own part, to effect so desirable an object by adopting a direct tax, that would operate equally on the citizens of the United States, and which will reach all property that is protected by Government. This is certainly just, since every person in the United States, except such as are concerned in the funds, is interested in the discharge of it.

As far as Mr. McD. could learn, the citizens of the United States were willing to make the utmost exertions for effecting so desirable a purpose. Mr. McD. dissented entirely from the gentleman from South Carolina, [Mr. W. SMITH], who calculates on reducing the Debt in thirty years, which appears to him a reasonable time. Mr. McD. should be very sorry to think that it would not be paid in half the time. It had been said that those who were for the present motion, should bring forward something else instead of the duty on refined sugar. He would gratify the gentleman who made this demand; for, if the amendment went through, he should move a resolution. He proceeded to notice, that in the present infant state of the Government, it would be extremely improper to make taxes permanent before fair experiments had been made of their efficiency. Mr. McD. had hoped that the United States would be instructed by the experience of other nations. He flattered himself that they would have avoided such laws and principles, as had in their nature proved injurious to the rights and liberties of mankind. But, to his surprise, when he turned to the history of the British nation, and compared it with that of the United States, he saw that the Public Debt and excises of the former seemed to bear much resemblance to those of the latter, and we are pursuing the like wrong measures as they have done.

Mr. HULLHOUSE readily admitted that all taxes were at first, in some degree, experimental. He had yesterday heard something from Mr. S. SMITH, which hurt him exceedingly. That gentleman had asserted that in drawing up the report from the select committee there had been a "take in." Now, he denied that there had been a "take in." The report was fairly drawn, agreeably to the sense of the majority of that committee. It had been said, that the report was a kind of compromise between the gentlemen in the committee, who were of opposite opinions. There could be no such thing as a compromise with the members who opposed these taxes. The opposition had been from the beginning too violent to admit of

H. or R.]

Public Debt.

JANUARY, 1855.

any compromise. In the last session, when the bill for these new taxes was first brought in, there had been a very peculiar vote upon it. It was at first proposed to refuse the bill a second reading. The same gentlemen had uniformly voted against it altogether, even after it had received amendments suggested by themselves. What was to be expected from such a committee as that? He wondered only that they did not advise a total repeal of the bill. The same gentlemen who had objected to it in the select committee, were in the number of those who had voted against the bill in all its shapes. This was not a random assertion, for Mr. H. had examined the Journals, and now produced them to prove what he said. With gentlemen so determined, it was impossible to expect any compromise. As to the sugar duty before the Committee, he thought that the merchants had much greater reason to complain of the two and-an-half per cent. of additional impost, than the sugar bakers of the two cents per pound on their manufacture. That any body should imagine (said Mr. H.) that two cents per pound of advance would reduce the consumption of refined sugar is astonishing to me! Have we not seen refined sugar at sixteen, eighteen, and twenty-two pence per pound, and did any body ever use the less of it when it rose in price? The fact is, that they never thought about the price of it at all, but purchased exactly what they wanted. Mr. H. considered that all that had been said against the tax, as the most groundless clamor that could be conceived. He hoped that the House would take these taxes, and appropriate them as proposed in the report, and thus put it out of the power of any future Congress to repeal them, till they had put others in their place, unless such future Congress should make a breach of public faith, which Mr. H. did not see any reason to look for. It seems, that when once a tax has been appropriated by the Legislature to the discharge of any public burden, this tax cannot be taken off, even by the Legislature itself, without placing another to supply its room. Mr. H. was, therefore, totally against the amendment.

Mr. S. SMITH did not know whether he would be in order, (of which he would be glad to be informed from the Chair,) but if it was regular he should like to move the striking out of the whole resolution at once. [Mr. NICHOLAS immediately rose and withdrew his motion to make room for this new one.] Mr. SMITH then proceeded to make his amendment. He took the face of the law as it stood, and every body sees from the face of it, that it is but an experimental law. Why, then, wish to continue it before the experiment has been made, or when the little experience which has been had is directly against its continuation? A gentleman from Connecticut [Mr. TRACY] had said, that when a tax was known to be permanent manufacturers would make a more permanent arrangement for supporting the payment of it. The argument was strong, but unfortunately it proved too much, for it went alike against the repeal of every tax, since it was only to say, the manufacturers would make a permanent arrangement.

The same gentleman [Mr. TRACY] alleges that nobody complains against the duty on refined sugar, except the sugar-bakers of Philadelphia. The gentleman is wrong. The manufacturers at Baltimore wanted to complain to Congress last session, but Mr. SMITH had hindered them from doing so, by representing to them that the law was only temporary; but the present proposal, which, in fact, amounted to making the law perpetual, quite altered the case. As to the sugar-baker from New York, whose information had been advanced by Mr. TRACY, I breakfasted with that gentleman this morning, said Mr. S. He had been enabled to support the excise, by an accidentally cheap purchase of raw sugar, and by a new market for the commodity that had been found at Hamburg. But these advantages were temporary, and in due time, the sugar-bakers of New York would be reduced to a level with those of Philadelphia and Baltimore. In the last of these places, the manufacturers had this year sold their refined sugar at exactly the same price as they sold it last year, so that the two cents of excise were entirely out of their profits. It had been hinted that manufacturers should keep their stocks upon hand, till the market rose, but the sugar-bakers at Baltimore had not strength of capital to go on without selling off. He again adverted to the injustice of the proceedings of the Legislature. In the first place, large protecting duties had been imposed on the importation of refined sugar. In the confidence of this protection, men of capital embarked in the manufacture, which they never would have done but under the faith of this protection. As soon, however, as you have them fairly engaged in the trade, you impose an excise duty, which, in reality, differs nothing from a repeal of the protecting duty. Thus is the protection withdrawn, and thus is the public faith broken. As an apology for this kind of treatment, you stigmatize them with the name of *monopolists*, a name odious through the whole world. But the cause which Mr. S. was now pleading, did not concern the sugar bakers only; because, by the same reasoning, saddlers and shoemakers, and every other sort of manufacturers, may expect, in their turn, to be excised. Mr. S. had no doubt but we should soon have an excise upon nails. The tax upon the importation of this article had called forth the genius of the people of America; and, by means of a machine, we can, in this country, make nails cheaper, faster, and better, than any other nation can make them. The natural progress of things, will be to tell the American nailors that they also are *monopolists*, a name universally detested, and then you go on to excise the genius that you have excited. The gentleman from Connecticut had supposed the case of a farmer coming from a foreign country to America, and that, after he had laid out his money on land, there should be imposed a land tax. But Mr. S. affirmed, that the comparison was not fair. Government had never pledged itself to such a man that no land tax would ever be imposed. The subject was open, entire and untouched; and the farmer, like other people, must take his chance of futurity. But the circumstance, of which Mr. S. complained,

JANUARY, 1795.]

Public Debt.

[H. OF R.]

was this: It had been understood in America, that a sugar-bakery could not be supported, but by protecting duties against the importation of foreign refined sugar. Accordingly, such protecting duties had been imposed, and now, though they were not nominally repealed, the House were, in substance, doing exactly the same thing, they were laying on an excise that shut up the business altogether.

Mr. S. next proceeded to apologize for the warmth of some of his expressions yesterday. He certainly intended no disrespect to the select committee. He had not wished to insinuate that they practised an intentional deception on the House, in framing the report. He was sorry that anything which he had said could admit of being construed into a reflection. When he spoke of the printed estimates given in to the House, he had as little design to cast a censure upon the accounting officers. He was of opinion that few countries were ever blessed with such officers. He felt the deepest regret that the head of that Department (Mr. Hamilton, present Secretary of the Treasury) was about to quit his situation. It would be long, he feared, before America could put another officer in his place equally fit for it. He then proceeded to review what he had said yesterday on the subject of public accounts. He said that, when a person spoke upon figures, those who heard him were sometimes apt to think that he was in the wrong when he was in the right. He was often apt to be misunderstood, and sometimes no doubt was himself mistaken. Mr. S. said, that yesterday, by an accident, of which he did not wish to mention the particulars, and for which he was not in fault, five hundred thousand dollars had been inserted among his figures more than he knew of. He then went into a detail on the same subject as yesterday. He said, that he still hoped to convince the House, that there would be plenty of money to pay the whole sums proposed, besides a large surplus after striking out the second resolution. He then proceeded to an arithmetical discussion. [He was interrupted once or twice as being erroneous, by Mr. HILLHOUSE.] He remarked, that the subject was entirely new to him. He had never thought upon the estimate till yesterday, and he knew himself to be as liable to mistakes as any other man. He was perfectly open to correction and conviction; and as ready to be convinced as any gentleman on the other side of the question.

When Mr. S. sat down, Mr. DEXTER rose, and made a variety of observations.

Mr. SEDGWICK, also, and Mr. NICHOLAS, entered into a dispute concerning some of the calculations of Mr. S. SMITH.

Mr. PAGE said, that he wished the motion had been to strike out the whole resolution, and that members who had spoken had been contented with showing, whilst they were up, why they could not agree to such a motion, and why they preferred the resolution to any other which could occur to them; and that, had such a motion been rejected, then such amendments had been proposed and considered as might occur to those who disapprove

of the original resolution; for then the resolution would have been open to a full and free examination in the first instance, and every amendment considered in its turn; but, as the debate has been conducted, the attention of members has been distracted, and called to such a variety of subjects that the debate has been confused and too much lengthened; and the amendment now proposed must confine members who regard order, from stating their opinions as fully as those who have spoken on the several preceding questions, and have not confined themselves to order. I shall, however, confine myself to the consideration of the question immediately before us, which is, in fact, whether manufactured sugar shall be excised till the year 1801, for the purpose of raising a fund to pay off that part of the Debt of the United States, which pays an interest of six per cent. instead of being excised only to the end of the session of 1795, and applied to certain temporary purposes. As I voted against the excise on sugar in the last session, when it was stated as absolutely necessary on account of a pressing emergency, an expected war, and a consequent defalcation of the revenue which had been drawn from impost and tonnage; and then stated my objections as founded on the impropriety of taxing an infant valuable branch of manufacture, not only as impolitic, but as partial and inconsistent with the practice of Congress, which had been to encourage every branch of the manufactures of the United States; and even if there had not been this impropriety in the measure then, I thought it unnecessary, because I saw no danger of being involved in a war; and if there had been such danger, I looked to less exceptionable objects of taxation;—I cannot but vote now against an absolutely unnecessary continuance of that excise. I am every day confirmed in my opinion, that it is impolitic, unjust, and contrary to Republican principles, to select particular objects for taxation, as it must beget discontent, and may be abused to the ruin of individuals who may be selected as persons on whom a burden of taxes shall fall; it is a temptation to a Legislature to an act of oppression; because, as in the case before us, the persons injured are but few, and therefore their complaints will be disregarded; and it may happen that some persons may not be affected by the duty on excise as others are, for persons with large capitals may be benefited, whilst the poorer manufacturers may be forced to abandon the manufacture. The taxes of a Republic ought to bear equally on all its members; that is, in exact proportion to their property. I am restrained by the question at present from saying anything respecting the excise on snuff, and the tax on licenses for retailing wines and spirituous liquor, on sales at auction, and on carriages, and therefore will only remark, that the duties and taxes enumerated in the resolution before us, are all highly exceptionable; and therefore, no attempt ought now to be made to continue them beyond the time to which they were limited; to strike out the whole resolution will be to continue them according to their appropriation; to agree to the resolution will be an alteration of our ap-

H. OF R.]

Public Debt.

[JANUARY, 1795.]

propriation, and to apply an uncertain fund which was relied on in an emergency for temporary purposes, to an important permanent purpose, which must require the best known and most productive funds. I shall therefore vote for striking out the word "sugar," and, indeed, the whole resolution.

By this time it had been repeatedly moved that the Committee should rise, and the Chairman report progress, which was accordingly done, and the House immediately adjourned.

FRIDAY, JANUARY 16.

The bill, sent from the Senate, entitled "An act in addition to the act entitled 'An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes,'" was read the third time, and ordered to be committed to Mr. KITTERA, Mr. HEATH, and Mr. IRVINE.

A petition of William Martin, of North Yarmouth, in the State of Massachusetts, was presented to the House and read, praying relief in the case of the schooner Fox, the property of an inhabitant of Nova Scotia, concerned in trade with the petitioner, which was seized by the Collector for the district of Portland, in the said State, as a foreign bottom, under thirty tons burden, importing articles from a foreign port, subject to the payment of impost duties, contrary to the revenue laws of the United States. Also, a petition of John Montgomery and Thomas Smith, executors of the late Brigadier General Butler, deceased, who was killed in an engagement with the Indians, in November, 1791, praying that the allowance granted to the widows and orphan children of officers who were killed or died in the service of the United States, during the late war, may be extended to the widow and orphans of the deceased.

Ordered, That the said petitions be referred to the Committee of Claims.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Epaphras Jones and others; and, after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time on Monday next.

Mr. SAMUEL SMITH, from the committee appointed, presented a bill for the remission of the tonnage duties on certain French vessels; which was read twice and committed.

On motion,

Resolved, That the Secretary of the Treasury be requested to furnish this House with a statement of the amount of goods on which a duty of seven-and-a-half per cent. was paid, from the thirtieth day of June, one thousand seven hundred and ninety-three, to the first day of July one thousand seven hundred and ninety-four; the amount on which ten per cent. was paid, for that period; and the nett amount of duty on coal, and on coffee and cocoa, for the same time.

Mr. KITTERA, from the committee to whom was committed the bill, sent from the Senate, entitled

"An act in addition to the act entitled 'An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes,'" reported that the committee had had the said bill under consideration, and made no amendment thereto.

On the question that the said bill do pass, it was resolved in the affirmative.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating "that pursuant to the second section of the act establishing the Treasury Department, which expressly makes it the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit, he has digested and prepared a plan, on the basis of the actual revenues, for the further support of public credit, which is ready for communication to the House of Representatives."

The Letter was read. Whereupon,

Resolved, That the Secretary of the Treasury be informed that this House is ready to receive the communication therein referred to.

PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

Mr. FITZSIMONS entered into a series of calculations, and endeavored to show that Mr. S. SMITH had not fully digested his observations made yesterday on the subject of American finance. He also stated his reasons for preferring the present system of revenue to a direct tax. A person could with much more ease pay two cents per pound on his refined sugar imperceptibly, as he made use of it, than the whole sum of that and other taxes of the same kind together at the end of the year.

Mr. AMES.—It would seem to be a trite, common-place inquiry to ask whether Congress is sincerely and earnestly engaged in the work of reducing the Public Debt? Most persons present would consider the question as the insinuation of a doubt equally illiberal and unwarranted. Every one would say, this article makes a part of my private creed, and of my public duty. Yet, mere speculative opinions and empty wishes for the object will leave it unaccomplished. The path to every great public good is obstructed with great obstacles, and, to surmount them, demands some vigor of exertion, some firmness of self-denial. The Debt, we are told, is unpopular, and this country would differ from every other in the world, if the imposition of taxes is not so too. Yet, without efficient revenues every one will see that the Government cannot reduce the Debt, and, therefore, we have only to choose between evils, or rather between the great evil of an undiminished Public Debt and the inconvenience of those clamors which taxes never fail to raise, though, happily, no country, I believe, acquiesces more cheerfully in the revenue laws than our own.

Gentlemen ought not to be surprised or offend-

JANUARY, 1795.]

Public Debt.

[H. OF R.]

ed, if we think it at least possible that the difficulties in the way of a powerful operation on the Debt, may prove insurmountable. It is easy and natural to multiply doubts as to the plan of the reduction, as well as to inspire repugnance and apprehension of the taxes and other means of giving it effect. A plan for reducing the Public Debt certainly means a great deal more than paying off \$600,000, the redeemable part of the six per cent. stock for once only, and then to drop it till another laborious and contentious effort of the Legislature shall have provided for a second payment. Before we proceed to discuss points in which we disagree, I hope we may state this as one, and the groundwork of the whole, which, in theory, at least, unites all opinions, that we shall now settle a plan for applying year by year the whole strength of the revenues of the nation to paying off the Public Debt; that we shall sanction this plan by law, and give it energy by providing the funds for a sacred and unalterable application to the object. If the opposers of the report of the committee on the plan of reducing the Debt are not willing to go this length, then they must confess they fall short of those with whom I am now acting, and who have usually, on questions of revenue and finance, had my vote; and I confess, this is one of the few occasions in which I had hoped to see an emulation in this House for measures of efficiency and permanency. But that hope, however pleasing, is somewhat checked by the alarming recollection that public debts are in all States the objects of public concern and dread. In Europe, their vast amount has at last terrified those who hold the supreme power, as well as those who pay taxes. Yet, although they have long portended convulsion and ruin, have not nations and Governments nearly smothered their alarms, and, instead of rousing all their energies to subdue the evil, relapsed into a state of security and torpor? Nay, have they not, by madly rushing into war, as we might lately have done, augmented the danger and hastened the shock of that earthquake, which, for an age past, has threatened to throw Europe back again into chaos? The nations seem to have outgrown their fears, or to despair of the remedy, as the inhabitants of Italy whistle unconcerned on the sides of Mount Etna while it vomits fire, or plough the fields of Calabria while they shake under their feet.

These are remarkable facts, and show that, in spite of universal fears and wishes, there is some powerful obstacle in the nature of man, or in the structure of society, that baffles the attempts of a nation to break out of the circle of enchantment and ruin. What is it? Probably this: that wars which create public debts are almost always popular, and taxes that would speedily wipe them out, are no less obnoxious. I hope I shall be pardoned, if I say, and I would say it inoffensively, that the tone and sentiment of the opposition to the temporary taxes have not altogether convinced me that the United States are free from this common malady of nations.

It may be true, that we have less to dread from debt than some of the European nations. The

amount is comparatively small, and the progress of wealth and people is every day lessening the share that falls to an individual to be answerable for. The taxes, it may be said also, powerfully stimulate manufacturing industry, as well as increase our shipping, by their operation as protecting duties. But, although the husbandry, arts, and trade of the country have prospered under both debts and taxes; although, while the interest is duly paid, the creditors have no claim to the principal, yet the motives for hastening the reduction of the public burdens are, notwithstanding, so cogent and powerful, they cannot be resisted. Indeed, to notice them ever so slightly, will, in a great measure, overpower the objections to the tax in question.

I am one of those who believe a nation ought to cherish public credit, for the same reason that it ought to have strength; for, in critical situations, credit is strength, and the want of it may happen to be not only weakness, but subjugation and ruin. And it is my belief, that, although it may answer for a time to pay the interest, and neglect the principal, yet, at last, and in the course of affairs, it will appear that a nation which neglects to pay its debts will have no credit. That would be the case with an individual. Besides, if we neglect the interval of peace and prosperity to pay off, lessen, and, if possible, to extinguish the Debt, we cannot expect, for any length of time, to avoid the occasion of adding to it. We have had eleven years of peace, one-half of which term, for want of a Government, our debt was augmenting, at least twelve or fifteen millions of dollars. It has been funded four years nearly, and less than three millions are yet paid off. Are we to hope for peace always? A blessing so great has been hitherto denied, perhaps in benevolence as well as wisdom, to the prayers of devotion and the tears of philanthropy, and, from all we know of the nature and history of man, we have reason to believe, if not to desire, that war will sometimes fall to the lot of a nation. Peace is the time to prepare for it, by extinguishing the burdens of the last war, by exhibiting, as a basis of present exultation, and a ground of future confidence and credit, the novel spectacle of a great nation which has freed itself from debt.

There is an auxiliary motive, which I stated in the beginning of the debate. The funding of the Debt has unhappily proved an occasion of division and jealousy in the country, and of acrimonious recriminations in public assemblies. The Debt was not augmented, it was diminished by funding, and almost none of the first Congress declared themselves opposed to funding the Debt. They resisted the assumption and some of the clauses of the bill. The sin and odium, therefore, of the Funding System, as a measure abstracted from the irredeemable quality, and the State debts, ought to have been shared among all the offenders, the Southern as well as the Northern members. Yet it has answered party purposes to represent the Eastern members as the patrons of a system of paper influence, of Treasury corruption, of certificate nobility; that they have attempted

and succeeded to pervert and stretch the Constitution, to organize, and uphold systems of concealed aristocracy; that they deem the Debt, as it promotes these vile purposes, a blessing; that they made it to oblige one another, and will not part with it, lest the popular principles of our Government should prevail over the artificial and treacherous schemes and corrupt connexions which, as they derive their life from the Debt, must impart life to it. I forbear, indeed I am unequal to the recital of all the infamies which have been vented on this subject. The language of insinuation and invective has been exhausted. The dictionary and vulgar language can add nothing to the opprobrium which has been attempted to be thrown on the friends of the revenue and finance systems. Do not the ears of gentlemen still tingle with these disgusting recollections? Can they think, without mingled emotions of indignation and surprise, how the labor has been to represent the Eastern members as the authors, the champions, of the advantages of a Funded Debt; while every vehicle by which the public could be misled has teemed with declamation that the members from another part of the Union were exclusively zealous to extinguish this devouring fire of Public Debt, that consumes the people and their liberties, that the same gentlemen were not consenting to the Funding System, and that all their efforts have been hitherto baffled by the interested arts of the friends of paper corruption?

I neither know, nor have the arrogance to pretend to know, the inclinations of men's hearts; but, when we are accused of keeping the Debt for influence and corruption; when our accusers affect to lament that they cannot be allowed to prosecute a most powerful and even violent operation for reducing the Debt, we have a right to say that we take the professions of these gentlemen as a ground for testing their consistency, if not their sincerity. When they proclaim their principles, we have possession of them, and have a right to indulge such comments, especially at the instant of bringing them to the touchstone, as I was induced to make on a former day's debate. I own it, sir, I rejoiced to see these professions brought to the test; for, if it should not criminate the sincerity of those who make them, it would at least exculpate those who have so long been the objects of the most licentious invectives. It will show, in the teeth of calumny, that the Eastern members are advocates, and zealous ones, for the reduction of the Debt.

It is true, the opposers of the resolution are not bound to adopt the plan, nor to continue these very duties, but they are bound by more than common sanctions to go even beyond the description of persons whom they have accused, in some plan, and to provide other taxes. No puny operation, no half-way measures will do. They stand pledged for some strong system, some efficient funds to bring into activity at least all the present revenue faculties of the country. It is, therefore, with the best reasons, and even on strong public considerations, that I repeat the observation which seemed to give offence on a former day. The present mo-

ment is the crisis of a political test. It gives an opportunity to one set of men, if they choose, to vindicate their consistency: and we, sir, on the other, actually use it, not by profession, but by our conduct, to confound the accusations which have been thrown upon us. I rejoice in this moment on public account. It cannot but undeceive the citizens who have nourished jealousies and prejudices. It cannot be unimportant to slay, with one stroke, the slanders, which the gentlemen from the Southern States have assured us have sprung from this source. The confidence and affections of the citizens is the best defence of the Constitution; and we are told that this defence has been chiefly weakened by the misrepresentations which have been made of the intentions of Government to keep the Debt as an instrument of corrupt influence.

If the common object of both sides in this debate be really to reduce the Public Debt, what shall be the plan and the measure of the reduction? Is it to pay off the redeemable part of the six per cent. stock, and to stop there? If so, then we shall go far beyond them. For, why should not the unsubscribed debt be paid off, the registered debt, the foreign debt, the deferred and three per cent. and even the temporary loans or anticipation of the revenue, which, it is agreed, draw an interest of one hundred thousand dollars a year?

That bugbear, the irredeemable quality, so artificially conjured up to terrify the country, opposes no obstacle to the redemption of all this great amount—a mass of debt far exceeding the most extravagant conjectures of the product of the revenue for many years to come. And here let me observe, the argument almost solely opposed to the resolution is this: We have revenue enough, without the temporary taxes. Let it be allowed that we have, for argument's sake, what follows? That we have too much revenue with the temporary taxes. Will our money rust in the Treasury chest for want of debt to employ it upon? Shall we not make greater progress with all the present taxes than with only a part of them? Is it a time to refuse the aid of these temporary taxes when we are finding out a new way for employing the product? Shall we, with any color of wisdom, go on at the same instant to extend our expenses and to diminish the income of the taxes? The argument that these taxes are not wanted is utterly hostile to the professions we make of paying off the public burdens as fast as possible. If the statement to support this reasoning is true, it is not so much an objection as an encouragement to our progress in the plan, as it proves, by the documents adduced on one side, that the other has under-reckoned the calculations of success.

It might seem, therefore, a superfluous labor to show that the Treasury will probably stand in need of the temporary taxes for this operation, since it is all the better if it should not. But, by showing it, at least, it will prove the necessity of assenting to the resolution, if we would have the Public Debt reduced.

It is infinitely to be regretted that the facts relating to the Income and Expenditure of the Unit-

JANUARY, 1795.]

Public Debt.

[H. OF R.]

ed States are so much in dispute. The law, and, because it is a law, it ought to be a rule of conduct for the House, requires it of the Secretary of the Treasury to digest and prepare plans for the improvement of the public revenue, and relating to the public credit; and, if such information had been called for, it would have thrown a strong light upon many points which have been contested, because they were in the dark. Indeed, at every step in business of revenue and finance, a deliberative assembly will find itself embarrassed; darkness will hide the path. I think as respectfully of this assembly as I ought, and perhaps as highly as any member of it, yet I hesitate not to say, that no assembly ought thus to reject the information which our own law makes it the duty of the Treasury Department to furnish. We often hear of the duty of a Republican to respect the law, and yet, in the teeth of this law, we are exhorted to stop our ears against all communications on these subjects from the Treasury. I am not ashamed to say, I have need of the information, and I see that others dispute on facts which show their want of it. It is strictly Executive business, which, according to the correct theory of our Constitution, ought not to be usurped by this House. Executive officers, on their responsibility, ought to furnish it. The details of a great nation's money affairs are too complex, too vast, too much a science, for any committee to embrace in a report, if they should have the good fortune to understand them. I will not, therefore, under the disadvantages which I believe are common to others as well as myself, pretend to make a systematic parade of figures.

If we reckon on the revenue in 1793 as a ground of calculation for future years, we shall have some guide for our conjectures. Those who choose to imagine a vast increase of income from taxes, in future, may be answered in a word. It is conjecture—1793 was a year of uncommon importation. French property was brought here in almost every vessel, on account of the war with England and the troubles of the French Islands. This swelled the nominal amounts of our imports, and, as much of this property has been re-exported, it again diminished the supposed product of the duties by the allowance for drawbacks; yet, on the whole, it was a productive year, and it could not be thought unfair to reckon our steady yearly income, according to that year, 1793.

Mr. A. then produced a statement of Income and Expenditure, viz:

INCOME.

Duties on imports and tonnage, nett	-	\$5,500,000
On internal objects	-	780,000
Nett produce of the Post Office	-	20,000
Surplus of dividends on bank stock	-	50,000
		<u>\$6,350,000</u>

EXPENDITURE.

Interest on Public Debt, foreign and domestic	-	\$3,100,000
On temporary Loans	-	100,000
Support of Government	-	500,000

Military Department, including military pensions	-	1,500,000
Naval Department	-	400,000
Light-House Establishment	-	24,000
Excess of income beyond expenditure		726,000
		<u>\$6,350,000</u>

If (said Mr. A.) we apply six hundred thousand dollars to redeem the redeemable part of the six per cent. stock, we shall have only one hundred and twenty-six thousand dollars.

Will any one deny that this dependence is unsafe? that, at any rate, the operation is frittered down to a contemptible scale? If trade should fluctuate, as it may to a very considerable degree, as much as it never fails to do after a raging war has terminated; if the reduced price of our exports, which, on the event of peace, is inevitable, should reduce our imports, and that is the most natural effect in the world? if new expenses, to which all affairs are liable, should arise, even this puny plan of reducing our Debt would be arrested in its progress.

The statement I have submitted, rejects fractions, and makes no pretensions to absolute correctness. In substance, however, it exhibits such a view of our Income and Expenditure, as I believe cannot be invalidated.

It has been insisted that the question is not on the repeal of the temporary taxes, and therefore the argument is misapplied. This is merely an evasion of the force of it; for is it not the very question before us, whether we will adopt a plan for the reduction of the Public Debt, and whether we will apply to the yearly operation of that plan till the year 1801 these very taxes? The end is, at least, in appearance, agreed on, and we are now looking for the means of effecting it. This is, therefore, precisely the moment to choose or reject these taxes as the means; and in order to induce us to reject them, have not those who say the repeal is not in debate, insisted the taxes aluded to are unfit means; that they are dangerous to liberty, because they are in the nature of excises, dangerous to manufactures, which should not be taxed in their infancy; oppressive, and ruinous? and yet they urge the repeal is not brought ever so remotely under consideration; nay, they tell us, after all this, they were passed on experiment, and they reserve to themselves to wait the result of that trial. Are they who so loudly condemn the temporary revenues, and on such serious grounds, affecting to waver, and to keep in balance till the end of the term for which they were appointed to operate? One advocate for experiment assured us, in the last session, when they passed, that now liberty was lost forever. Does he desire time to bring himself to a liking of these assassins of liberty?

I waive the idea of the known condescension which produced the limitation of these acts to two years. Let the full force of the plea so often urged that they were passed on trial, be essayed. For whom was the experiment intended, for the public or for the sugar-refiners and snuff-makers,

and was it to prove that they like or do not like the tax? Did any one who saw their committee expect they would in two years prefer the tax to no tax? Or was the experiment intended for other reasons? If the money was not likely to be wanted at all, it would be one good cause for dropping the taxes; or if the mode of levying the tax was new and uncertain, it would be proper to limit the act in order to produce a revision and improvement of it in that respect. Was the limitation tacked to the bills to see whether they were proper objects of taxation? And was it really doubtful whether snuff and loaf sugar were proper to be taxed? What could be more proper? One is the most trivial of all luxuries, and the other (loaf sugar) is almost if not quite exclusively consumed by the class of citizens who have some pretensions to wealth. Yet when we press hard for a substitute, instead of the snuff and sugar revenue, we are with a face of solemnity advised to tax the land. May I trust my senses? Is it possible for persons to call the taxes on snuff and loaf sugar oppression, and the land-tax relief? Is it possible to think of taking the tax from the snuff-box and the tea-pot, to put it on the plough?

If, however, that is intended, as gentlemen assure us it is, there is no time to be lost. It will take two years to organize such a tax, and get it into the Treasury. If a land-tax is to be the substitute, the question therefore really is, shall we repeal the taxes in question. If there had been any doubt before, there can be none in the opinion of those who prefer the land-tax.

The interests of the manufacturer have been strenuously urged, and no one would listen with more attention to any suggestion of injury on their part. If there is any point on which I am more an enthusiast than another, it is on the policy and duty of encouraging manufactures, and on every occasion where their interests have appeared to be affected, my voice has been heard.

But how is the suggested injury to happen? Is the capital of the manufacturer drawn from them to pay the duties? The case of those who pay duties is the reverse. The credits allowed are such as to leave the public money in their hands. Their complaints on that head, if they have any, may be easily satisfied by extending the term of credit.

Another allegation is, that the consumption of the articles is diminished in consequence of the duty. One of the snuff-manufacturers assured me they were not so weak as to imagine the consumers would not repay them. Will the consumers of loaf sugar be terrified by the exorbitant duty of two cents to do violence to their habits and deny themselves loaf sugar? Will they treat their friends with brown sugar? Of all tyrants fashion is the most inexorable. I tell the gentlemen who dread the brown sugar reform, it is not possible. It is not creditable to substitute brown sugar in place of loaf, in consequence of the price, any more than for the same gentlemen to wear frocks and trousers and leath-

ern aprons on account of the impost on superfine cloth.

There is one other view of the interests of the manufacturers. Possibly the mode of levying the tax may be inconvenient and vexatious. If that be the case, who doubts the readiness of Congress to conciliate the interests and even the prejudices of the concerned? Surely not those who remember with what extreme solicitude Congress attempted to reconcile the country to the excise. Surely those who oppose the taxes will not expect the Eastern members, where manufactures are the most extensive and numerous, to be opposers of any plan of accommodation of the manufacturers. They are perfectly sure, and ever have been, of our concurrence in such amendments, and why would they wish to keep the laws hung up in uncertainty for two years?

Is it to secure the power of the next Congress, and why not of the next Congress after that which perhaps may be better still? And why on that ground should any law be passed to continue longer than an Almanac? Is this the idea to be inculcated of the reign of laws, that gentlemen tell us by passing an act for more than two years, we part with our power; and what is the import of this new-fashioned jargon of a power *over* the laws, instead of the power of the laws? The power to pass laws is not a personal prerogative, it is a public trust, and when the common good, when the attainment of a great advantage for our country, such as the progressive reduction of the Debt, requires a law for ten years, or even longer, is it an argument to say that thus we may lose our personal importance and prerogative?

Shifting, unsteady laws, are a public evil, and they are always felt as such by the dealers in the taxed articles. The first effect of a tax is a little to stagnate and derange the business of the dealers, but soon the current finds its way again, and the tax becomes a part of the price, a part of the settled order of things, which a hasty repeal would derange anew. This argument, it is said, requires that all resource laws should be permanent. Where there is a permanent occasion for taxes, and the proper objects of taxation are known to be selected, the fluctuation of the revenue laws would be an evil, and therefore it would be proper to make them permanent. But when the call for taxes is temporary, or the mode of collection untried, the limitation of the bill to a short period may be no less proper. This objection therefore deserves little attention.

One objection is scarcely intelligible. Why will you urge the permanency of taxes for temporary objects, such as war establishments, frigates, &c.? The answer is, the appropriation is intended for the Debt; for an object that will last, we fear, much longer than the year 1801, the term proposed for the taxes. The taxes are not to be made permanent, nor are the objects of their application temporary. The objectors are wrong in fact.

They are no less mistaken in principle. The temporary taxes were, during the last session,

JANUARY, 1795.]

Public Debt.

[H. OF R.]

charged with an appropriation of twelve hundred thousand dollars, and one million of dollars also, for the foreign intercourse. These sums are to be satisfied out of the product of the temporary taxes, and the President is authorized by law to borrow on the credit of those funds. The public faith is solemnly pledged, and in express words, (see the appropriation act passed the ninth of June, 1794,) to provide for the principal and interest out of the proceeds of these very taxes, or to substitute other adequate funds in their stead. These taxes are charged in this manner by law, and if we refuse to renew the acts, we are sacredly bound to provide substituted revenues.

Every one knows that these taxes will not free themselves from the charge in the two years.

How then can gentlemen prevail upon their good sense to assert, that, by continuing the tax laws, the manufacturers are deluded and deceived, when the cause and necessity for such continuance appears on the face of the statute book? How, above all things, can they say, that it is a breach of the public faith to extend them to 1801, when, unfortunately for the sufferer, the public faith is in express words pledged to continue them, or to provide other funds? The assertion has been a subject of no little curiosity, under circumstances so singularly adapted to its confutation.

My own view of the importance of hastening the reduction of the Debt, has led me to suggest answers to as many of the objections as I can recollect. I notice them as they happen to occur to me. One appeal to our pity is made on the score that sugars have risen, and that it is cruel to choose this time for the tax. Why not choose it if the tax will fall, as others do, on the consumers? Do the same objectors desire a relinquishment of the duty on molasses because it is dear, and yet the manufacture of New England rum is unfortunately, from various causes, in a languishing state? Foreign goods are dear, and yet they are taxed. All articles are become dear, and the blind rule contended for would be doubly wrong, if adopted on account of its necessary partiality.

If we regard the experience of other nations, we shall not find cause to dread the destruction of manufactures in consequence of taxes. Is England exempted from them, and yet where do they flourish more? The truth is, in an increasing, thriving society, the taxes are absorbed and distributed over the whole mass of the community. No problem has been oftener debated than where the taxes ultimately fell, and yet experience has invariably refuted the gloomy anticipations of interested theory. The language that infant manufactures are not to be crushed, is more declamatory than correct. They are not to be crushed; nor will the manufactures of snuff and loaf sugar fall, if the operation of the tax should be like that of other taxes, or of similar taxes in other countries.

But is it really desired wholly to exempt the loaf sugar from tax, now the duty on the foreign article has secured an effectual monopoly to the home refiners? Shall the four cents remain on

the foreign loaf sugar, and nothing on the home made? If the price should in that event keep up, the consumers would still pay the tax, after its repeal, although the money would not go into the Treasury, but into the pockets of the refiners. I wish their prosperity, but they are too candid and patriotic to desire such an advantage.

A great object is before us, and if, after all, its attainment shall appear to be obstructed by much seeming and some real difficulty and embarrassment, still we owe it to our country, as well as to our own engagements, to proceed. Let us endeavor to overcome the prejudices of the over-apprehensive, and to conciliate the interests of the manufacturers with that of the public. In our other taxes we suppose it is done, and why should it be despaired of in this case? Greater difficulties than any that a calm and unprejudiced mind will discern in the plan before us ought to be expected, and readily acquiesced in, rather than to abandon the great object of freeing the nation from debt. It is worth some exertion and sacrifice. If we should effect it, any hopes of the destinies of our Government would brighten. There is nothing in the magnitude of the Debt to discourage us, and still less in the prosperous circumstances and good dispositions of our citizens. It depends on ourselves whether we realize their expectations by acting in conformity with our own professions.

MR. S. SMITH. Mr. Chairman, the resolution on your table reads thus:

Resolved, That there be appropriated out of the revenues a sum not exceeding \$600,000, to be applied to the payment of two dollars on every one hundred dollars of the amount of that part of the Public Debt, which bears an interest of six per cent."

This resolution has passed the Committee unanimously. On what principle then does the gentleman (Mr. AMES) pretend to doubt our intention to provide funds to sink that proportion annually of the Public Debt? I conceive myself committed, and if I cannot prove that, we have resources sufficient, without continuing the laws described in the second resolution, I will, however I dislike them, vote for the resolutions. The only subject before the Committee is to provide funds to sink annually the \$600,000. The question then resolves itself to this: Is the revenue of the United States sufficient to meet the \$600,000 per annum, in addition to the ordinary and known expenditures? Or, does it stand in need of the assistance of those excises now under consideration? The gentleman says it requires their assistance, and states an account when, after paying the \$600,000, he leaves a balance of only \$126,000. If the gentleman believes in his own statement, he must provide more funds, for surely he would not leave the Treasury with only \$126,000 to meet contingencies, and to pay off that variety of debt that he boasts a desire to discharge. The gentleman will do well to confine himself to the subject in question, that is to provide for the \$600,000. On this subject he has supplied us with useful information. He says that he has this morning received a statement from the Treasury, which

H. of R.]

Public Debt.

[JANUARY, 1795.]

makes the nett amount of the duties in 1793, on imposts and tonnage, to be \$3,500,000, and that he will always prefer facts to estimates. There we agree. This fact gives \$500,000 in favor of my estimate, for I had calculated on \$5,000,000 only. It was surprising that the gentleman did not make use of other facts, instead of suppositions, which he could have had without going to the Treasury, viz: In 1793, (his year,) the Civil List cost \$358,241. The gentleman has charged it at \$500,000. Another fact: In 1793, the Military Establishment, including pensions, cost \$1,213,531. The gentleman charges that item at \$1,500,000. But, sir, there is another item of very considerable importance, which the gentleman seems totally to have forgotten, that is, "An act laying additional duties on goods, wares, and merchandise," passed last session, commenced operation the 1st July, 1794, and which is estimated in the report before us to yield \$300,000, but which I have stated will produce \$750,000

Add error in Civil List, - - -	141,750
Sum in Military Establishment, -	287,469
Balance made by Mr. Ames, - -	125,000

\$1,805,228

which makes a balance, after paying the \$600,000, of 1,805,228, from which deduct \$380,000 contemplated to be raised by the excises, and there will remain for contingencies and for purchases of the Debt, (by the gentleman's own system, and surely a good one, of taking fact instead of estimates for our guide,) the nett sum of \$925,228, being about \$440,000 more than I had stated. What reason then, at this time, for continuing those laws longer than their time, say until June, 1797, and the end of the next session thereafter, against which time they will more than pay off the sums for which they stand appropriated? For instance, all the revenues to be raised by laws passed last year, were appropriated to pay sundry sums amounting to \$1,292,137. Two years of the excises in question are estimated to nett \$760,000. One year of the additional duties passed last session, if it yields but \$538,000, will satisfy the whole appropriation on those laws. It has been said, that I have not provided for payment of the bank instalments of \$200,000, which must commence in 1796. I answer that the select committee had not reported on it. I took the documents they had furnished the House for my government. However, I now answer, that the estimate on your table shows a balance at the close of the year 1795, of \$310,000, with which they may pay two and a half years bank instalment if necessary, and, if our funds should not be found adequate in 1797, we must either continue those laws then expiring or supply some other fund; however, I believe that no man can think the funds will be inadequate. It is said, that I am willing to commit the Government for the sum wanted, and to depend on savings to pay. I say that I bring forward solid funds, but I will go farther, and establish the payment by appropriating the revenue arising from the imposts laid last session, which nobody will doubt being sufficient.

The gentleman from South Carolina [Mr. W.

SMITH] has said, and has been supported by a gentleman from Massachusetts, that Government having encouraged manufactures by protecting duties, have a fair and just right to lay excises on such manufactures, so as to pay for the revenue that Government might have gained, had the articles continued to be imported. This declaration is fair, is candid, and if the system levying excise on the manufactures of sugar and snuff should be continued until 1801, then those who commence any manufactories in future will not have a right to complain, the intention of Government being thus made public. But if this is the system we are to adopt, why not at once lay an excise on all manufactures where the protecting duty has enabled the manufacturer to exclude importation? Why not lay excises on the following, who have excluded the importing of similar articles, and who equally may be said to have obtained a monopoly of the supply of their respective goods? viz: Rope-makers, saddlers, boot makers, shoe makers, tanners, curriers, ship-builders, carvers, cabinet-makers, coach makers, and a variety of others. Or, why not lay an excise on the following, who have in many States obtained the same kind of monopoly? viz: Sail duck-makers, paper-makers, nailors, cotton-manufacturers, glass-makers, hatters, watch and clock-makers, brush-makers, cheese-makers, twine-spinners, brewers, and a variety of others? My neighbor [Mr. GOODRUE] whispers, because sugar and snuff are luxuries. Granted—yet are they considered necessary by those who use them; and I ask that gentleman whether sugar has not become more necessary to him than anything that can be furnished by either the carver, cabinet-maker, coach-maker, cheese-maker, or even the brewer? No, Mr. Chairman, I will tell you the true reason—because it would have been unpopular and alarming. Begin with two objects called luxuries, whose manufactories are not more than thirty-four in the Union—they are so few they will not be heard. But the precedent once obtained, we can proceed to levy an excise upon all or any other manufacture; for one precedent is worth one hundred fine-spun reasons. Sir, the cause of the sugar-bakers and snuff-makers is that of all and every other manufacturer, for all are attacked through them.

Mr. MADISON did not think that the turn which the debate had taken was at all a proper one. The question before the House was only this: whether it was at present proper to prolong the taxes comprehended in the resolution? The House can, for this time, go on without deciding the point. The proper statement of the question hereafter would perhaps be, whether it was better to proceed with excising all those articles of manufacture mentioned by the gentleman from Maryland, or to lay one general and efficient tax on property. The present taxes consisted of two sorts, viz: permanent, as the impost, &c., and temporary, as the excises in question. The permanent taxes could therefore be applied to the permanent object of reducing the Public Debt; and the temporary taxes to the temporary object, as the Military Establishment, &c. Instead of

JANUARY, 1795.]

Public Debt.

[H. or R.]

the question asked whether the Public Debt could be discharged by taxes for two years, it would be as proper to ask whether a Military Establishment to which no appropriations could be Constitutionally made for more than two years, ought to be provided for by taxes of indefinite continuance? He did not deny that there might be a reversionary appropriation of such taxes to the Public Debt, after the temporary purpose should have expired. But the practicability of such an arrangement was not a sufficient answer to the objections against making permanent new taxes uncertain in their product, contested in their principles, and which had been adopted under other circumstances for other purposes.

The present subject, he said, in relation to the discharge of the Public Debt, had in every view been extremely magnified. Its importance lay, he thought, chiefly in its leading the attention of the Committee to a comparison of the two general resources for paying off the Public Debt, namely, excises and taxes apportioned on the several States according to the Constitutional rule, and collected from individuals according to their property. If nothing more was intended than merely to pay the annual two per cent. which the funding law permitted Congress to pay, it was probable the impost alone might yield a competent surplus, without resorting either to excises, or apportioned taxes. But if, as was professed, and as, he hoped, was intended, a great and effective plan was to be sought after, for the purpose of freeing the public from the evil of the Debt with as much despatch as possible, we must then face the alternative of a system of excises, or of a general tax on property. Between these different modes of revenue, a choice was to be made. He pressed it on the attention of the Committee, that if excises were to be preferred, it was in vain to hope they could be limited to a few trifling subjects, such as manufactured snuff and sugar. They must be extended to all the manufactures mentioned by the gentleman from Maryland [Mr. S. SMITH.] The whole country would be covered in fact with excises. Every manufactory must be made to contribute, and even then it would not be possible to draw forth as much revenue as would be paid in the other mode. He was aware that objections and prejudices existed against a tax laid on property. He regretted that such a difference of opinion prevailed, not only in Congress, but in different parts of the Union, on this subject. He was persuaded, nevertheless, that a tax on property was not only a more economical, and in every respect a more eligible resource, than a general system of excises, yielding the same amount of revenue, but that, on the whole, a majority of the people of America would be found less averse to it. He could speak with confidence on this point, as far as his own communications extended. Much, he thought, of the dislike to a tax on property might be removed by taking different objects in different States, as might be most convenient or acceptable to them.

This was perfectly consistent with the Constitution, which did not require uniformity in this

instance. In some States a tax on land, in others a tax on other articles of property, or partly on land and partly on other articles, might be most satisfactory; and the tax laws of the States would always assist in digesting the regulations for the purpose. He supposed that if this course should be taken, a million, or even two millions, of dollars or more, could be raised in a year, and that the people would be willing to make such an exertion, rather than be saddled with a permanent Debt; whereas he did not believe that an excise system, if extended to every article manufactured in the country, could be made to produce any thing like such a sum. If, however, he was deceived in this point, and a general system of excises adequate to the purpose should be proposed, and it should be apparent that the general disposition was more favorable to such a system than to a tax apportioned in the manner prescribed in the Constitution, he was ready to give up his objections. Much as he disliked excises, he thought a perpetual Public Debt a still greater evil. But he should much prefer another system, and he repeated the caution, that the alternative was not between a tax on property, and the petty excises in question, which could not be felt in the work of sinking the Debt; but between such a tax and excises spread over a sufficient number of manufactures to produce an equal sum of revenue. He again also suggested to the attention of the Committee that the question was, not whether the laws should be repealed, but whether they should remain as they stood till their merit could be better known, and the whole subject be more fully taken up; and that all that was at this time aimed at with respect to the Debt, would be attained by allotting the temporary part of the revenue to temporary purposes.

Mr. W. SMITH and Mr. DAYTON also spoke each a few words. The Committee then rose, the Chairman reported progress, and the House adjourned.

MONDAY, January 19.

An engrossed bill for the relief of Epaphras Jones and others, was read the third time, and passed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the plan referred to in his Letter of the sixteenth instant, for the improvement and management of the public revenue, together with sundry statements, marked A, B, C, D, E, and F, relative thereto; which were read, and ordered to lie on the table.

Ordered, That a committee be appointed to inquire and report on the expediency of erecting a light-house near the entrance of the harbor of Georgetown, in the State of South Carolina.

And a committee was appointed of Mr. WILLIAM SMITH, Mr. GROVE, and Mr. BENTON.

TUESDAY, January 20.

A petition of Tobias Lord, and others, of Kennebunk, in the State of Massachusetts, was pre-

H. of R.]

Protection of the Frontier.

[JANUARY, 1795.]

sented to the House and read, praying to be reimbursed the expense of erecting a stone pier at the entrance of Kennebank river; and for that purpose, as well as to keep the same in repair, that they may be authorized to collect tonnage on shipping of a certain burden, which shall pass or repass the same.

Ordered, That the said petition be referred to Mr. GOODHUE, Mr. VAN ALLEN, and Mr. WARD; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Francis Proctor, late Captain of a company of artillery raised by the State of South Carolina, praying that such allowance may be made him for recruiting a number of soldiers for the Continental Army, and for hardships and injuries sustained while a prisoner taken by the enemy, when in the actual service of the United States, during the late war, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition, together with the petition of William Seymour, presented the 13th of March last, and the report of a committee thereon, and the petition of Sarah Beacham, returned on the 31st ultimo, by the Secretary of War, be referred to the Committee of Claims.

Mr. FITZSIMONS, from the committee appointed, presented a bill to repeal part of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same;" which was read twice, and committed.

Mr. TRACY, from the Committee of Claims, to whom was committed the bill sent from the Senate, entitled "An act to authorize the settlement of the claim of Samuel Prioleau," made a report which was read. Whereupon,

Ordered, That the said bill and report be committed to a Committee of the Whole House to-morrow.

Mr. GOODHUE, from the committee appointed, presented a bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" which was read twice, and committed.

The House resolved itself into a Committee of the Whole House, on the bill supplementary to the act "for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same;" and, after some time spent therein, the Committee rose, and reported several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

Mr. WILLIAM SMITH, from the committee appointed to inquire and report on the expediency of erecting a light-house near the entrance of the harbor of Georgetown, in the State of South Carolina, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House, on the report of the Committee of Claims, to whom was referred the petition

of Joab Stafford; and, after some time spent therein, the Committee rose and reported a resolution, which was twice read and agreed to by the House, as follows:

Resolved, That all persons who have been, or shall be, placed on the pension list of the United States, by virtue of the law passed on the 28th of February, 1793, entitled "An act to regulate the claims to invalid pensions," shall be deemed to commence the receipt of their respective monthly allowances, at the date of their completing their testimony before the Commissioners who took the same; that no arrears, in any case, be allowed; and that the payment of such monthly allowance be continued during the continuance of such disability.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that the Committee of Claims do prepare and bring in the same.

PROTECTION OF THE FRONTIERS.

Mr. FITZSIMONS laid on the table the following motion:

"Resolved, That the President be requested to cause to be laid before the House a plan for the defence and protection of the frontier of the United States, and including the number of troops necessary for garrisoning the same."

Mr. MADISON hoped that the gentleman did not mean to press the consideration of his motion this day. It was of great novelty and magnitude. Mr. M. doubted if it was agreeable to the Constitution.

Mr. VENABLE thought that so many motions of this kind would abridge the business of the House. One day the Secretary of War sends us directions; the second day, the Secretary of the Treasury sends us directions; a third day, we are to have directions from another Department, and so on. He hoped that the House would do their own business themselves.

The question was then put, Shall the House now proceed to consider this motion?

Mr. PAGE did not think himself in want of the information referred to in this resolution. He was entirely averse to establishing of posts. If they are weak, the Indians will cut them off; if strong, they will pass through between them. Any money laid out on them he should consider as cast away.

Mr. DAYTON could not give his assent to the resolution offered by Mr. FITZSIMONS, because it encroached upon the Constitutional powers, rights, and duties of the PRESIDENT, and because it called for information which it would not be prudent or safe for him to give, nor practicable, even if it were safe. To call upon the PRESIDENT to digest and lay before the House a systematic plan which he must thereby in some measure pledge himself to adhere to, for the present year, for the defence of the frontiers; to request of him to inform the Representatives in what manner he intended to exercise the discretion which the Constitution had vested in him as the Executive, was highly improper, and ought never to be drawn into precedent. Mr. D. added, that the resolution was objectionable in every possible light in which it could be viewed. It would be very imprudent to

JANUARY, 1795.]

Protection of the Frontier.

[II. OF R.]

declare to the world the exact number of men which were to compose every garrison throughout our extensive frontiers and country. It would likewise be impossible for any man, even the **PRESIDENT** himself, to decide, at this time, where it might be necessary to erect forts and establish garrisons, in the interval of time between this and the next session of Congress. The reasons against the measure appeared to Mr. D. sufficiently strong, even without taking into consideration the yet unsettled state of our negotiations with Britain, and the continuance of Indian hostilities, which would give to them additional strength, and of themselves furnish irresistible objections, if no other existed.

Mr. PARKER would be glad to get such information. He saw nothing presumptuous or unconstitutional in asking this opinion; and he also thought the present a fit time for doing so. If the **PRESIDENT**, who, like other men, was fallible, gave wrong advice, the House had only to act for themselves. Where we find him right, I hope (said Mr. P.) that we shall support him; where we find him wrong, we will be cautious of adopting his opinions. He thought it particularly requisite to fix this business of the frontier, as far as it can be done, before entering upon the subject of the Public Debt; that we may learn, as near as possible, the amount of the expense to be incurred.

Mr. BOUDINOT did not object to the Constitutionality of the resolution, but he had much doubt of its propriety. He moved, as an amendment to strike out the first clause of the resolution, and instead of "the **PRESIDENT**," to read, "that a committee be appointed to report on the subject."

Mr. FITZSIMONS said, that a committee which went to the same thing had been appointed already. He withdrew his resolution.

WEDNESDAY, January 21.

Mr. DEXTER, from the committee appointed, presented a bill for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House, on the bill sent from the Senate, entitled "An act further extending the time for receiving on Loan the Domestic Debt of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was read the third time, and passed.

Ordered, That Mr. SHERBURNE, Mr. BENJAMIN BOURNE, Mr. WATTS, Mr. BOUDINOT, Mr. LATIMER, Mr. WILLIAM SMITH, Mr. NILES, and Mr. GREENUP, be added to the committee appointed, on the 14th instant, to report a plan for perfecting a road between the Southern and Eastern States.

The House resolved itself into a Committee of the Whole House, on the bill sent from the Senate, entitled "An act to authorize the settlement of the claim of Samuel Prioleau;" and, after some time

spent therein, the Committee rose, and reported an amendment, which was twice read, and agreed to by the House. The said bill, with the amendment, was then read the third time, and passed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act making further provision in cases of drawbacks," with several amendments; to which they desire the concurrence of this House.

The **SPEAKER** laid before the House a Letter from the Secretary of the Treasury, accompanying a statement of the amount of goods paying a duty of seven-and-a-half, and ten per cent., imported from the 1st day of January to the 31st day of December, 1793, inclusive. Also, the amount of the duties on coffee, cocoa, and coal, for the same time, pursuant to the resolution of this House of the 16th instant; which were read, and ordered to lie on the table.

PROTECTION OF THE FRONTIERS.

The House resolved itself into a Committee of the Whole House, on the report of the committee appointed to examine and report what proceedings have been had under the act "for making further and more effectual provision for the protection of the frontiers of the United States," and to report whether any, and what, amendments are necessary to the several laws respecting the Military Establishment, and the protection of the frontiers of the United States.

Mr. DEARBORN read a resolution, the substance of which was, that in considering this question the view should be limited to a defensive system only. This motion produced a very long conversation.

Mr. DAYTON declared that he would never consent to a defensive system only, while Britain was in possession of the Western posts. It would be a wrong policy to reduce the army of General Wayne.

Mr. HARTLEY spoke against the propriety of passing this preliminary resolution. Such resolutions have generally a tendency to embarrass. If, upon consideration, we think the number of troops too large, we may reduce them. But why tell our Southern friends, who are now bleeding, and call upon us to protect and assist them, and desire more offensive operations against their savage neighbors, that we will not comply with their wishes? Our Western army has been successful; and by giving it the proper aid and countenance, we may expect a peace with the Western Indians. But now, to say that we will no longer keep an army; that our troops are to be thrown into posts, and give the field to the Indians, would be highly impolitic. Will this not encourage them to risk another campaign? Will it be prudent to let your posts, far advanced in the Indian country, rely upon supplies to be brought under escorts of militia—militia horse, which costs double the expense of the same number of regular troops? Why should the latter solely depend upon the militia to convey them provisions, when they would be willing to run the risk themselves, if their number was kept up in a proper manner?

Mr. H. was sorry that objections are so fre-

quently made against the legion which has been so useful. It has been said, that regulars were unfit to go against the Indians. Experience has shown us the contrary. The discipline has been fitted to the nature of the service, and has been successful. The regulars had the greatest share in the late engagement, but still we know there were near two thousand volunteers from Kentucky ready to support them. This support is withdrawn; still you wish to weaken this little army. You disorganize it, by leaving no provision for horse in the proposed resolution, which is to follow. It is well known how useful the horse have been in the legion. I think we ought to continue the legion until the next session of Congress. We have reason to believe that the recruiting service, as to part of General Wayne's army, is in a critical situation. We should do nothing to discourage the recruiting service. A late law was passed giving further encouragement to the recruiting service; officers are scattered throughout the Union: but, with this encouragement, and the greatest industry of the officers, we have no reason to believe that the legion will be completed before the next session. Nay, with the utmost countenance, I fear we shall not be able to do more than bring a sufficient number of men into the field against the season for action. I wish for peace: but, to obtain it, we should be prepared for war. I would be for proceeding according to the spirit of the last law, until next session. If we should have peace, or circumstances change, we may then safely reduce the number. I hold the preliminary resolution improper, and shall vote against it.

Mr. SEDGWICK moved that the Committee rise, for the purpose of his making a motion for applying to the PRESIDENT to get information on this point.

Mr. MURRAY could not agree with those who had preceded him, in arguing for the reduction of the army. He was against any reduction of force, as was intended by the resolution, by which the present establishment was to be reduced from 5,000 down to two regiments; it is an abandonment of every sound principle of self-defence known to any nation in a state of war. He considered the resolution in three or four points of view as very interesting. Peace with the Indians in the Northwestern country—British Posts—Southwestern territory—Defence, and generally Posts, or a chain of Forts, on the frontiers. As the reduction of force affected either of these points, he thought it injurious; as it affected the hoped-for peace with the Indians, it was very unsound policy surely to reduce your army at the moment you have gained a victory that entitles you to look for an honorable peace. The only way to reap the fruits of victory was to retain the power of repeating it, if the obstinacy of the enemy shall render repetition necessary. The surest way to lose the profits of your victory is to diminish your decided superiority of force. You would thus, by weakening yourselves, strengthen the enemy; and they would rejoice, if, in the moment when they were defeated, and ready to send the

belt, the calumet of peace, they discovered in their enemies a disposition to relax in the efforts by which they had reduced them to humility. The ardor of the distressed warrior will return, when he finds you are tired or unwilling; and we must expect, that if the tribes gain intelligence of this motion, that they will amuse you by signs of peace till they find you have reduced your force, and they will then burst upon your frontier. The feelings which you have excited by victory, though brilliant to you, are such as must have added to their rancor. You may beat them into a submission to your terms, but you will never drub them into friendship. In fact, they will watch your moments of relaxation, and avail themselves of your errors. Peace is the object of war, but it is the price of continued exertion and vigilance. All wise nations keep the sword unsheathed until its object is completely attained; and perhaps there is hardly anything more fallacious than the hope which is inspired by victory, if cautious prudence does not complete the business before exertion is relaxed. The British posts present another object. It is unnecessary to say much of them; but when we recollect that they may possibly produce a war, it appears to be the height of impolicy to weaken our means before the end is obtained. The papers on the table show the state of the Southwestern Territory; a considerable force will be essential there. The Creeks either wage war, or threaten it: here is a vulnerable place, to which a memorial of that District has powerfully called the attention of Congress. But supposing a peace already established, and the British posts in possession, he apprehended that the number of posts necessary for the frontier would call for an establishment fully as large as the present. Some one part of the frontier will be always open to attack. Were the Indians a civilized people, reduced into a regular order of society, and under laws capable of promising something like good faith to their engagements, fewer troops would be necessary. We might calculate the less on the necessity of force to watch contingencies and sudden irruptions if compacts had more solemnity and obligation; but they are not to be relied on. They form not a whole nation, nor even a confederated body of nations, except for temporary objects. Each tribe is savage, unconnected, and insulated, so as to exclude the just expectation of permanency and uniformity in the objects or duration of their engagements. So it is, that they will forever think themselves injured, and will for years hold themselves in readiness to make war the moment a weak part appears. Of course, you will be obliged, if you mean to defend your frontiers, to keep up posts contiguous to each other, that may repel their incursions.

Mr. SMITH said, that he should vote for the rising of the Committee, for the purpose of obtaining information.

Mr. WADSWORTH (in answer to Mr. MURRAY) said, that the Indians would always think themselves injured, and would always have a right to think so, because they always have been injured

JANUARY, 1795.]

Protection of the Frontier.

[H. OF R.]

and always will be injured. The Six nations, it is said by some gentlemen, are now at peace with us. But, when were they at war with us? They have been so used to be robbed and murdered by us, that they submit tamely to it. There was nothing like war lately. The two different nations, whites and Indians, were living together in the same villages. It is true, they had been advised to object to the Establishment at Presqu'Isle: but, if an army had been sent into their country at that time, Mr. W. did not believe that they would have fired a shot. It never could be made out that so many as twenty of them were concerned in the war with the Miamis. He said, that since the day when the first white man landed, the Indians always have been injured. He thought it very proper to inquire for advice on this subject of the PRESIDENT. He is not only a PRESIDENT, but a soldier. He was born and bred on the frontier. He is well acquainted with the Indians, and, independent of his abilities, no man in this House has had more personal opportunities of being a judge respecting them. He was not for reducing the army, but he should very willingly vote for the resolution suggested by Mr. SEDGWICK. He wished the Committee to rise.

Mr. DEARBORN withdrew his motion. The Committee rose, and progress was reported.

Mr. SEDGWICK then moved, that the PRESIDENT OF THE UNITED STATES be requested to direct the proper officer to lay before the House a statement of the number of troops that will be necessary to maintain such a line of military posts as it will be expedient to establish, effectually to protect the frontiers of the United States.

Mr. PAGE said, he saw no material difference between it and that which the good humor and candor of the member from Pennsylvania [Mr. FITZSIMONS] yesterday withdrew; that he hoped the same good disposition would lead the member from Massachusetts to withdraw his; that it was, till yesterday, without a precedent; that nothing but a certainty of unusual dangers from an enemy on our frontiers, it would be thought, could have given rise to such motions. If the PRESIDENT was not called on for the plan of defence, or for his opinion respecting the number of troops necessary for the defence of the frontiers last year, when war raged in that quarter, and we were every day told here that we should be plunged into a war with Britain—why, when the Indians have been chastised into a wish for peace, and no one has an idea of being engaged in a war with Britain, should he now be called on? As to information, it is in the hands of a committee, to whom was referred the PRESIDENT'S Message and the Report of the Secretary of War.

After some further debate, the motion made by Mr. SEDGWICK was finally carried—yeas 40, nays 37.

Ordered, That Mr. SEDGWICK and Mr. HARTLEY be appointed a committee to wait on the PRESIDENT with the foregoing resolution.

THURSDAY, January 22.

An engrossed bill for reviving certain suits and process which have been discontinued in the Dis-

trict Court of Pennsylvania, was read the third time, and passed.

The House proceeded to consider the report of the committee appointed to inquire whether any, and what, alteration is necessary to be made in the laws respecting lost or destroyed certificates, which lay upon the table. Whereupon,

Resolved, That any alteration in the act "limiting the time for presenting claims for destroyed certificates of certain descriptions," would be improper; and that all claims for lost or destroyed certificates, not comprehended in the provisions of the said act, ought to be decided on by the Legislature according to their respective merits.

Mr. DAYTON, from the committee appointed to prepare and report a plan further to provide for calling forth the Militia of the United States to execute the laws of the Union, suppress insurrections, and repel invasions, made a report, which was read. Whereupon,

Resolved, That a committee be appointed to prepare and report a bill to provide for calling forth the Militia of the United States to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes.

Ordered, That Mr. DAYTON, Mr. HARTLEY, Mr. BENJAMIN BOURNE, Mr. HARRISON, and Mr. McDOWELL, be appointed a committee, pursuant to the said resolution.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making further provisions in cases of drawbacks;" and the same being read, were agreed to.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States;'" and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said bill, and that it be recommitted to Mr. SHERBURNE, Mr. HARTLEY, Mr. DEARBORN, Mr. McDOWELL, and Mr. GREENUP.

The House resolved itself into a Committee of the Whole House on the bill for the remission of the tonnage duties on certain French vessels. The Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. TRACY, from the Committee of Claims, presented a bill supplementary to the act concerning invalids; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of Charles Heems; and, after some time spent therein, the Committee rose and reported their disagreement to the same. The House then proceeded to consider the said report at the Clerk's table; whereupon, the question being taken, that the House do

agree with the Committee of the Whole House in their disagreement to the said report, it was resolved in the affirmative.

The House proceeded to consider the amendments, reported yesterday, from the Committee of the Whole House, to the bill supplementary to the act "for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;" and, the said amendments being severally twice read, were agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

Mr. PARKER, from the committee appointed, presented a bill for establishing trading-houses for the purpose of supplying the Indian nations within the United States; which was read twice, and committed.

The House proceeded to consider the resolution, reported on the fifth instant, from the Committee of the Whole House to whom was referred the report of the committee appointed to consider and report on the expediency of making any further alterations in the laws of the United States relative to the cession of the jurisdiction by particular States, in lands, where are established, or may, by law, be directed to be built and established, light-houses, buoys, and public piers; and the said resolution being twice read, was agreed to by the House, as follows:

Resolved, That a committee be appointed to bring in a bill declaring that cessions of jurisdiction made by any State in lands, where have been erected, or may, by law, be provided to be erected and placed, light-houses, beacons, buoys, and public piers, with a reservation of concurrent jurisdiction, so far as shall authorize the service of the process, civil and criminal, under the authority of such State, shall be deemed sufficient cessions of jurisdiction, in pursuance of the laws providing for the maintenance and erection of light-houses, beacons, buoys, and public piers; and that, where absolute cessions for such purposes have been made, the States who have made the same, shall, notwithstanding, be entitled to exercise and retain a concurrent jurisdiction, so far as shall authorize the service of process, civil and criminal, under their authority, within the ceded Territory.

Ordered, That Mr. COIT, Mr. TREDWELL, and Mr. LEE, be appointed a committee pursuant to the said resolution.

Ordered, That a committee be appointed to inquire and report on the expediency of continuing in force, or repealing, the whole or part of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same." And a committee was appointed of Mr. WILLIAM SMITH, Mr. DAYTON, and Mr. CARNES.

EXPORTATION OF ARMS.

A bill was read from the Senate, for repealing part of the act for prohibiting the exportation of arms, and encouraging the importation of the same. The House resolved into a Committee, and went

through the bill. It was next read in the House, and a motion was made for referring it to a select committee. This was negatived. The bill was then ordered to be engrossed for a third reading. The object of this bill was to permit an exportation of lead. Mr. FITZSIMONS said that there was great plenty of lead in the public stores, so that the occasion for which this part of the bill had been passed was at an end.

GOODS DESTROYED BY FIRE.

The House next went into a Committee on the report of the select committee, to whom were referred the petitions of sundry persons, praying to be relieved from obligations for the payment of duties on goods which were afterwards destroyed by fire or other accidents, with instructions to consider and report on the policy of remitting duties on goods, wares, and merchandise, in cases where such goods, wares, and merchandise, shall be destroyed by fire or other accidents.

The Committee, in their report, recommended the following resolution, viz.:

"That provision ought to be made by law, authorizing the Collector of the District to remit the duties on goods, wares, and merchandise, imported into the United States, on its being proven to his satisfaction that they had been destroyed by fire, or other accident, before they were landed, or after they were landed, and before any removal from the places where they may have been landed, within the district for which they were reported to be destined by the entry of the vessel."

The Committee disagreed to this resolution. The Chairman reported progress, and the House adjourned.

FRIDAY, January 23.

An engrossed bill supplementary to the act "for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," was read the third time, and passed.

An engrossed bill for the remission of the tonnage duties on certain French vessels, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the relief of Epaphras Jones and others," with an amendment; to which they desire the concurrence of the House.

On a motion made and seconded that the House do come to the following resolution:

"*Resolved*, That a committee be appointed to bring in a bill or bills to amend the act, entitled 'An act for establishing the salaries of the Executive officers of Government, with their Assistants and Clerks;' and 'An act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses;' and to reduce all such salaries as, in the opinion of the said Committee, after having made due inquiry, ought to be reduced."

Ordered, That the said motion be committed to a Committee of the Whole House on Monday next.

JANUARY, 1795.]

Fortifications.

[H. OF R.]

Mr. DAYTON, from the committee appointed, presented a bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes; which was read twice, and committed.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said report; and that it be recommitted to Mr. SAMUEL SMITH, Mr. DEARBORN, Mr. DAYTON, Mr. PARKER, and Mr. PICKENS.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act for the relief of Epaphras Jones and others;" and the same being read, was agreed to.

Mr. DEXTER, from the committee to whom was referred that part of the Message from the PRESIDENT OF THE UNITED STATES, of the eighth instant, which relates to the Letter from the Governor of the Territory Northwest of the river Ohio, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The bill for repealing part of the act for prohibiting the exportation of arms and ammunition, was read a third time. Mr. DAYTON objected, that if the bill was in itself proper, the whole of the old act ought on the same principles to be repealed. It was, therefore, ordered to lie on the table till Monday.

Mr. CLAIBORNE moved that his resolution, laid on the table some time ago, relative to reducing the salaries of certain officers under Government, should be referred to a Committee of the Whole, which was agreed to, and Monday next appointed for that purpose.

FORTIFICATIONS.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the report of the Secretary of War respecting the fortifications of the United States.

The following is a copy of the report above referred to:

"That by the Report of the Secretary of War, it appears that, in pursuance of the act of the last session, the fortifications of the different ports and harbors are in considerable forwardness, excepting only the ports of Boston, and Wilmington in the State of Delaware, suspended for reasons assigned by the Secretary, in his report.

"That contracts have been entered into for the ordnance necessary, and measures taken for progressing in the fortifications as soon as the season will permit.

"That, from the necessity of enlarging the plan of defence in some instances, and the enhanced price of labor and materials, since the first estimate was made, a sum not less than \$225,500 will be necessary to complete the plan of defence contemplated, admitting the fortifications to be constructed of timber and earth; and if executed with stone, to a much larger sum.

"The Committee, taking into view the circumstances connected with the subject, and having received the necessary information from the Secretary of War, submit the following resolutions:

Resolved, That the necessary works for fortifying

the ports and harbors of the United States ought to be continued, and constructed of the most durable materials, so as best to answer the purposes of defence and permanency.

"*Resolved*, That a sum not exceeding \$500,000 (over and above the sums already appropriated) be appropriated for the purpose aforesaid; and that a sum not exceeding \$100,000 per annum be provided for the services aforesaid.

"*Resolved*, That the President of the United States be authorized to give preference, in point of time, to the completion of such of the said fortifications as he may think advisable."

Mr. PARKER moved that the following words should be struck out of the first resolution: "and constructed of the most durable materials, so as best to answer the purposes of defence and permanency."

Mr. FITZSIMONS was in favor of permanent fortifications; for if they were only slight, in three or four years they would be destroyed.

Mr. HEATH was for reducing the number of fortified places, and making the remainder more complete. He mentioned Alexandria, in Virginia, and Annapolis, in Maryland, as two of the places which he thought it unnecessary to fortify.

Mr. GILES was averse to going into much further expense. He hoped that the clause with the principle which it contained would be struck out.

The clause was accordingly struck out.

Another amendment was then proposed, which likewise gave rise to a long conversation. The sum of the subject in dispute was, whether all the places at first proposed should be fortified, and in what way a durable fortification ought to be made?

Mr. GOODHUE at last moved that the Committee of the Whole rise, and the report be referred to a select committee.

Mr. FITZSIMONS imagined that this would be a mere loss of time. It would be doing, as is too often done, getting rid of the business for the meantime, and receiving it back again exactly as we gave it.

Mr. AMES, in making some remarks on the subject, adverted to the present state of Castle William, at Boston. It would, said Mr. A., be much safer to stand without such fortifications than without them.

Mr. SEDGWICK observed, that the account which his colleague had given was perfectly just. No gentleman in that House, perhaps, knew less than he did of these matters, but it required no skill in fortifications to see that those referred to were of very little value. A single ship of war could lay all our large trading towns under contribution. We are more prosperous than any other people. Surely, then, America may, like other nations, afford to fortify her harbors. He spoke this on account of the public at large, for neither he nor his immediate constituents were in any danger from such a thing.

Mr. DEARBORN admitted that Castle William was capable of very little defence. In fact it was in a state of ruin.

Several other gentlemen also spoke. At length

H. OF R.]

Proceedings.

[JANUARY, 1795.]

Mr. S. SMITH insisted that the Committee should rise, as it was evident that they could not at present determine what was meant by a durable fortification. One gentleman understood one thing, another gentleman another thing, and so on. They were in fact not doing any business.

Mr. CHRISTIE concurred in this remark. The Committee rose. The Chairman asked leave to sit again, but on the motion of Mr. NICHOLAS, the report was referred to a select committee. The House then adjourned till Monday.

MONDAY, January 26.

A memorial of sundry manufacturers of hemp, in the town of Boston, in the State of Massachusetts, whose names are thereunto subscribed, was presented to the House and read, praying that the drawback of the duty imposed by law on the importation of foreign hemp, may be allowed on the exportation of the same, when manufactured into cordage within the United States.

Ordered, That the said memorial be referred to Mr. GOODHUE, Mr. WATTS, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. COIT, from the committee appointed, presented a bill relative to cessions of jurisdiction in places where have been, or may hereafter be, erected and fixed, light-houses, beacons, buoys, and public piers; which was read twice and committed.

Mr. WILLIAM SMITH, from the committee appointed to consider and report on the expediency of continuing in force or repealing the whole or part, of the act, entitled "An act prohibiting for a limited time the exportation of arms and ammunition, and encouraging the importation of the same," made a report; which was read: Whereupon,

Resolved, That it would be expedient to repeal the first, second, third, and fourth sections of the said act, and to continue the fifth section in force for another year, so far as relates to the importation of brass cannon, muskets, and firelocks, with bayonets suited to the same, pistols, swords, cutlasses, musket ball, lead, and gunpowder; and for two years longer, so far as relates to the importation of sulphur and saltpetre.

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. WILLIAM SMITH, Mr. DAYTON, and Mr. CARNES, do prepare and bring in the same.

A memorial of Brothers, Coster, and Company, of the City of New York, merchants, was presented to the House and read, praying that they may be permitted to export to the West Indies, or be allowed the drawback of the duty on a quantity of cutlasses which they imported before the passing of the act prohibiting the exportation of arms and ammunition.

Ordered, That the said memorial be referred to the committee last appointed, with instructions to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. GOODHUE, from the committee appointed

presented a bill relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage; which was read twice and committed.

The House proceeded to consider the report of the committee to whom was referred the memorial of George Latimer and others, which lay on the table: Whereupon,

Resolved, That a committee be appointed to bring in a bill authorizing the allowance of a drawback of the duties on such part of the cargo of the ship *Enterprise*, Herbert Jones, commander, as has been imported from Newbern, North Carolina, and shall be exported from Philadelphia.

Ordered, That Mr. FITZSIMONS, Mr. GOODHUE, and Mr. EDWARDS, be appointed a committee, pursuant to the said resolution.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Mr. SHERBURNE, from the committee to whom was recommended the bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" made a report; which was read: Whereupon,

Ordered, That the said bill and report be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed and read the third time to-morrow.

On a motion made and seconded that the House do come to the following resolution:

"*Resolved*, That the State of Georgia be reimbursed the amount of a suit of the executors of Robert Farquhar against the said State, for sundry goods sold to the said State, for the use of the troops of the United States, which suit was depending before the Supreme Court at the time of the settlement of the accounts between the United States and individual States, and has been since discharged by the said State giving its obligation for the principal sum of the said suit."

Ordered, That the said motion be committed to the Committee of Claims.

Mr. HEATH, from the committee appointed to inquire and report what progress has been made in the settlement of the accounts of the former Government; what are the unpaid balances on the

JANUARY, 1795.] *Invalid Pensions—Thomas Person and others—Nathaniel Appleton.*

[H. OF R.]

settled accounts, together with the measures taken for recovering payment of the same; whether any, and what steps have been taken to compel persons to whom public money was intrusted to settle their accounts; and whether any further measures are necessary on that subject; made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled, "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to repeal a part, and to continue in force another part, of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same;" which was read twice and committed.

INVALID PENSIONS.

The House resolved itself into a Committee of the Whole House on the bill supplementary to the act concerning invalids.

Mr. TRACY proposed an amendment which was in substance that every commissioned officer who has received commutation, and who has been, or shall be placed on the pension list, shall not be entitled to receive his pension unless he shall first have returned the commutation which he has received, into the Treasury of the United States.

The amendment was agreed to by the Committee. The amendment passed the House.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

THOMAS PERSON AND OTHERS.

Mr. McDOWELL observed that there was before the House a report of a committee on the petition of Thomas Person and others, proprietors of lands in the Territory of the United States South of the river Ohio. This report was taken up some weeks ago, but was then postponed with an expectation of farther information coming to hand, and this information has now been received. Mr. McD. therefore notified the House, that he should call up that report to-morrow. It was, he said, a subject of considerable importance. He wished gentlemen to turn their attention to it, for a decision appeared necessary, as a great number of citizens in the State of North Carolina, and elsewhere, are waiting with anxiety for a determination.

NATHANIEL APPLETON.

The House went into a Committee of the Whole, on the report of the select committee on the petition of Nathaniel Appleton, a sufferer by fire. The substance of the report was,

"That the sum of — dollars be paid out of the Public Treasury to Nathaniel Appleton, to compensate him for his losses by fire during his exertions to save public property, while his own was consumed."

Mr. NICHOLAS wished to know what was the public property saved.

Mr. DEXTER replied that Mr. Appleton was a Commissioner of Loans, and he had saved books and papers relative to the Debts of the United States. What would or might otherwise have been saved, there was nobody who could tell.

Mr. BLOUNT objected to this proposal as a bad precedent.

Mr. TRACY doubted whether the House could properly grant a general kind of thing like this. If it had been possible to specify something worth ten, or a hundred, or a thousand pounds of the property of Mr. Appleton consumed by fire, while he was saving the public property, and which but for that, would have been saved, he might then agree to it, but such a proof was impossible.

Mr. SEDGWICK was for agreeing to the report.

Mr. BOWDWIN was against it. The more the consequences of this grant were contemplated, the more dangerous they would appear. If it had been proved that in the case of fire, Mr. Appleton had not given his first attention to the public papers, the Legislature would, in the opinion of Mr. B., have tried some means to get him dismissed. Mr. Appleton had, in his memorial, stated, that his salary was too small, owing to the prodigious advance in the price of living. This was a quite distinct thing from the misfortune by fire. If the salary was too small, Mr. B. was willing to make it larger.

Mr. CHRISTIE wondered that the gentleman from Massachusetts, [Mr. SEDGWICK] could think of proposing such payment. Not long ago, it was proved that an officer, (Major Rudolph,) had spent an hundred pounds in the service of the public, and had never got payment, and this gentleman refused to pay him. But now, because a man, when his house was burning had taken up an armful of books, and got away with them, you are to pay him. There was no consistency in such things. Mr. C. said that he feared the merit of the claim was affected in this case by the quarter from whence it came. There was no consistency in such opinions.

On a division thirteen members were in favor of the report, which was thus negatived.

The Committee rose, and the House adjourned

TUESDAY, January 27.

An engrossed bill, supplementary to the act entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time, and passed.

An engrossed bill, supplementary to the act concerning invalids, was read the third time, and passed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the

H. of R.]

Reduction of Salaries.

[JANUARY, 1795.]

sufferers," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; and, the same being read, were ordered to be committed to a Committee of the Whole House to-morrow.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the Receipts and Expenditures of public moneys, from the first day of July to the thirtieth day of September, one thousand seven hundred and ninety-four, inclusive; which were read, and ordered to lie on the table.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize the allowance of drawback on part of the cargo of the ship *Enterprise*; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to amend the act entitled 'An act to establish the Post Office and Post Roads within the United States;'" and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said bill; and that it be again recommitted to Mr. SHERBURNE, Mr. HARTLEY, Mr. DEARBORN, Mr. McDOWELL, and Mr. GREENUP.

The SPEAKER laid before the House a Letter and report from the Secretary of War, made by order of the PRESIDENT OF THE UNITED STATES, pursuant to the resolution of this House of the twenty-first instant; which were read, and ordered to be committed to the Committee of the Whole House, to whom is committed the report of the committee appointed to examine and report what proceedings have been had under the act "for making further and more effectual provision for the protection of the frontiers of the United States," and to report whether any, and what, alterations are necessary to the several laws respecting the Military Establishment, and the protection of the frontiers of the United States.

The House proceeded to consider the report of the committee appointed to inquire and report on the expediency of erecting a light-house near the entrance of the harbor of Georgetown, in the State of South Carolina, which lay on the table. Whereupon,

Resolved, That it will be proper that a light house be erected near the entrance of the harbor of Georgetown, in the State of South Carolina.

Ordered That a bill or bills be brought in pursuant to the said resolution; and that Mr. WILLIAM SMITH, Mr. GROVE, and Mr. BEXTON, do prepare and bring in the same.

REDUCTION OF SALARIES.

The House resolved itself into a Committee of the Whole House on the motion of the twenty-third instant, "that a committee be appointed to bring in a bill or bills to amend the act entitled 'An act for establishing the salaries of the Executive Officers of Government, with their assistants and clerks;'" and an act "for allowing compensa-

tion to the Members of the Senate and House of Representatives of the United States, and to the officers of both Houses; and to reduce all such salaries as, in the opinion of the said committee after having made due inquiry, ought to be reduced."

Mr. CLAIBORNE said: A worthy gentleman from Maryland, the other day, suggested an amendment to the proposition now before you, which I understood to contemplate the increase of some salaries; and, if that gentleman can reconcile it to himself and his constituents, let him move and carry it, if he can. For my part, I am pleased with the proposition as it is, and yet it may have great imperfections. It is very common for fond parents to be blind to the imperfections of their own offspring; and, as this is a production of my own, it is probable that I may be under the same delusive prejudices, but I hope that cheerful acquiescence which I have always shown to the majority, has sufficiently evinced that I am no bigot to my own opinions. I said, the other day, that I was determined, if the proposition must die, it should be by assassination; but as, in this, a degree of guilt is implied, and might be attended with serious consequences to those concerned in it, I shall be satisfied to give it a fair trial, and, if it must die, that it may be by legal and fair adjudication, or, in other words, after full and fair discussion of its merits.

We now have fairly before us a proposition that contemplates a redress of these grievances, which, since the adoption of the present form of Government, have been a subject of grievous complaint and heartburning amongst the citizens of the United States. Many of them, and, I believe, a very great majority, conceive that the exorbitant salaries established to the Legislative, Executive, Judiciary, and their assistants, are not consistent with, or can possibly contribute to the existence or well-being of a Republican Government, which, in its nature, holds out the idea of equality and justice, but which, in the present mode of administration, cannot fail to have a direct opposite tendency, inasmuch as the very profuse salaries that all who have the good fortune to get places under the pay and influence of the present Administration, if they make a prudent use of them, must ultimately enrich and place them in a situation so far above the vast bulk of the citizens, whose industrious fingers are not permitted a single dip into those very coffers which have been swelled by filching a little from that hard-gotten pittance already far inadequate to the necessary but very ordinary subsistence of their families, as at last to endanger the very existence or shadow of this glorious and dear-bought Government, that has already raised the drooping and once-dejected heads of the poor American citizens, who now glory more in having thrown off that subordination that was assumed and exercised over them under the late detestable Monarchical Government, by their rulers, or public officers, than even in their lives and fortunes. Men begin to know the inherent rights of human nature. They have dipped into and tasted a little of the sweets of po-

JANUARY, 1795.]

Reduction of Salaries.

[H. OF R.]

litical regeneration, and, amongst all classes of your citizens, you may discover a zeal that amounts to enthusiasm, that lives and burns and grows almost to a prodigy. Instances are not wanting, sir, to evince that thousands of those who were not fond of this Government at its adoption, are now, on all occasions, ready to step forth in its support, and the laws that are passed consistent therewith. But this does, by no means, argue that they will submit for ever to repeated abuses of the Government, which may ultimately tend to its overthrow; and exorbitant salaries, with other profuse appropriations of the public money, at a time when the nation is groaning under an immense weight of foreign and domestic debt, which, (calculating upon the blessings of peace, and, of course, a very increasing revenue, not reasonably to be calculated on so long a time,) it is agreed on all hands will take a term not less than thirty-two years to extinguish. They conceive this to be one of those abuses, and, vested with the rights of freemen, closely interwoven with the obligations of good citizens and lovers of their country, have ventured by divers ways, to suggest their disapprobation thereof, in hope that its glaring impropriety would be taken up and removed, as far as the present situation of our finances and the public good will admit. It is true, they have not come forward in the Constitutional mode by petition, &c., but no member in this House, will, I presume, say that they have not heard the loud clamors and complaints of the people on this subject. But perhaps I shall be answered that I am not charged with their petitions to make the proposition, and if I was, that the people are not proper judges whether the salaries complained of are more than adequate, and to prove that some of them have not been so, I shall be told that the allowances to two of your most valuable officers have been so inadequate as to drive them out of your service. To this, I answer, that many other officers, with as large families, and a much less salary, have not abandoned your service—and why, sir? Permit me to answer, because they have probably proportioned their style of living to their quantum of salary, which prudence dictates, or custom has established, through all ranks of your citizens; else whence comes it that twenty-five thousand dollars per annum is not too much for the PRESIDENT of the UNITED STATES? Five thousand dollars is enough for the Vice President, two thousand one hundred and ninety for a member of Congress; and the salaries of many of your valuable officers, who have families, and devote their whole time to your service, are as low as five hundred dollars per annum. Here I shall again be told that the price of house-rent, and every other necessary of life, has increased, and may continue to increase, so as to drive all your officers out of your service. To this, I beg leave to answer, that if you continue such high salaries, or increase them, as in some instances it is asked, and because of the present enhanced price of the necessities of life, I think the evil will increase in proportion to the immense sum of money that you throw into cir-

culatation, for a redundancy of that, or any thing else, will always diminish the value; and, if the present custom of disbursing the public money is persisted in, the whole wealth of the United States must shortly centre in and about Philadelphia! But, sir, by the adoption of public economy, we may shortly become able to obviate this great evil, and make our disbursements more diffusive, by paying out money to those who have demands upon your justice, distributed over the United States, if any but those who reside around the Seat of Government have any demand upon your justice or goodness. I am apprised that the proposition is a very unpopular one here, and that many will perhaps knit their brows at me; but, sir, when I entered into public life, it was without any cringing views. I meant not to court smiles, or fear frowns, and I had no doubt but I should meet my share of both. When I gain the former by proper conduct, I have pleasure in it; when the latter by improper conduct, I am sorry for it. But it will be much to be lamented, if ever we see the day when the people shall be suffered to complain from year to year of any grievance, and their Representatives shall be ashamed or afraid to make those grievances known, or ask redress, lest they be laughed out of countenance, or lose favor at Court. But so hardy am I, if you prefer that expression, that, while I have the honor of a seat in this House, none of those considerations shall ever deter me from stepping forth in their behalf; but be the result of this proposition what it may, I now warn you against evils that *may* come, as you have been heretofore warned of evils that *have* come, for the obligations of power and submission are reciprocal. It is as much your duty to pass wholesome laws, as it is the duty of the people to obey them. And now, having done my duty, I shall take my seat content to abide the result, but hope a committee will be appointed.

Mr. NICHOLAS declared that he would be very willing to vote for the appointment of such a committee, if he could see any good purpose to be derived from it, or if the gentleman who laid the resolution on the table could give him any information that tended to prove its expediency. For his own part, he had but a small family, and of that he had left one-half behind him in Virginia, yet he found that his allowance as a member of the Legislature was barely sufficient for supporting this half of his family, though he lived with as much economy as he ever had done in his life. He was certain that he should not take one shilling of public money home with him to Virginia. He requested gentlemen to remember that it was not the present Congress who had given six dollars per day to themselves, but that it had been fixed by their predecessors, and fixed at a time when living was fifty per cent. cheaper than it is now.

Mr. BOUNDNOT observed, that he should not have troubled the Committee on this question, had it not been for several considerations particularly applicable to himself. He was as impartial on the present debate as any member on the floor. After the close of this session of Congress, he

H. OF R.]

Reduction of Salaries.

[JANUARY, 1795.]

never expected to receive a farthing of public money again, and therefore no interest of his own could sway his judgment improperly to object against the resolution on the table. He had been among the number of those members who originally were for fixing the compensation of members of Congress at a less sum than six dollars; not because he thought it beyond the amount of their expenses, but, from an idea of the then deranged state of the finances, and that, if sacrifices were to be made, they should begin with this House. He appealed to his uniform conduct for six years past, to prove that he had always opposed an increase of salaries or other public expenses, when the interest of the Union did not require it. He did not doubt that the gentleman who brought forward this resolution, thought he was doing his duty in advocating it; and Mr. B. thought it was equally the duty of the Committee to be convinced that they were not wasting their time in unnecessarily proceeding in business, without having some foundation for rational inquiry. The gentleman had declared that he was led to bring forward the resolution, not from any conviction of his own, for he knew not the officer to whom he could point his finger and say, that he had a greater salary than he deserved, but it was from the voice of the people, who were discontented and clamorous on the subject of large salaries, and particularly the compensation to members of Congress. Mr. B. said, for his own part, he did not believe these objections arose from the voice of the people. Had the gentleman offered any evidence of this to the Committee? That he believed it himself, Mr. B. did not doubt; but this ought not to be sufficient evidence to the Committee. There was none on the table. Not a single petition had come forward to the House on this subject. There was nothing in the complexion of our Government that prevented the application of the people to their Representatives, if they were dissatisfied. They had frequently re-chosen the same members who voted for this compensation. From whence, then, arose the evidence of the public voice being clamorous against the compensation of the members of Congress?

Mr. B. did not doubt but there were uninformed individuals, who might object to six dollars per day; but he was confident that the well-informed among the citizens of the United States, and those who reflected on the subject, would think (at the present day at least) it was not more than would barely pay the reasonable expenses of gentlemen who attended to their duty here in a proper manner. Almost every article of consumption was from twenty to thirty per cent. higher now than it was at the commencement of the Government.

The Constitution of the United States as the act of the people and the public voice contemplated a compensation to the members of Congress. Did not this mean something more than the bare discharge of their expenses? Yet Congress had not gone beyond it.

When Congress sat at New York, Mr. B. said that he was in a situation more favorable in point

of expense than any gentleman on the floor, who did not reside in that city. He boarded with a near relation, and was in a manner in his own family; and, although he paid the usual price of boarding as at other places, yet there were a thousand nameless small articles which saved him many advances. He was within sixteen miles of his own family, from whence he received many things that prevented his laying out money. During three sessions he kept an exact and faithful account of his expenditures; and, at the end of that time, the balance was but 43s. 4d.; but on which side of the question his memory did not allow him to say. At present, he was also under very peculiar advantages, yet he was confident that, at the end of the session, he should not have any balance in his favor, from his compensation as a member. Mr. B. appealed to every gentleman's own knowledge, and particularly to the gentleman who made the motion, if he thought that what he received would more than pay his expenses.

Gentlemen were often crying out against an Aristocracy in this country; yet measures of this kind tended to establish one, by reducing the compensation of members, so that no citizen but the rich and affluent could attend as a Representative in Congress. This certainly was the most effectual way of bringing about a dangerous Aristocracy in the United States. Should not men of abilities, though in the middle walks of life, be encouraged to come forward and yield their services to their country, without being dependent on any person or set of men whatever? Is it not sufficient that their time and talents are given to the public? Must they pay their expenses too?

Mr. B. was aware that the resolution proposed related to the officers of Government as well as members of Congress, but he had confined his remarks to the last, as the part of the subject he was best acquainted with. He begged gentlemen to look around and point out the public officer who received more than a reasonable reward for his services. Professional men of the first abilities, were absolutely necessary to carry on the public business; and could any one, fit for his office, be shown who could not do full as well, if not much better, in the exercise of his profession in private life, than he did in the public service, if pecuniary matters were his only object? In short, (Mr. B. said,) this House was placed between Scylla and Charybdis. The public officers were complaining, and even resigning, for want of sufficient compensation for their services; on the other hand, an attempt was now made to reduce their salaries still lower, on the supposed clamors of the people. Mr. B. did not believe they could be denominated those of the people; neither did he see any evidence of the fact. He did not consider the complaints of a few individuals as the public voice. Ought not the gentlemen to come forward with some kind of calculations or estimates to have shown that certain salaries were too high, or more than the services performed were entitled to? This had not been done; but the Committee were urged, at this important moment, to proceed to an inquiry, which every gentleman on the floor al-

JANUARY, 1795.]

Reduction of Salaries.

[H. OF R.]

ready knew as well as he could do by the most labored investigation. He therefore concluded that, to agree to the resolution, would be a waste of the short time that yet remained of the session, and an unwise measure. Mr. B. would have contented himself with joining the Committee in a silent vote on this subject, but he thought the observations made in support of the measure ought to receive some answer, if not to convince the Committee, yet to satisfy their constituents that there could exist no necessity for a present inquiry of this nature.

Mr. CLAIBORNE begged leave to remind the House that he had never asserted the salaries were too high. His motion went only to appointing a committee for an inquiry whether the salaries were so or not.

Mr. W. SMITH said, that the resolution was, in its present shape, so extremely vague, that one did not know how to give it a definition or a vote. Different objects were lumped together. If, by an inquiry, the gentleman meant to examine into the wages of members of this House, it was quite needless to appoint a committee, because every member can at this moment speak for himself. But Mr. S. did not consider the present time as the most proper for beginning to reduce salaries, when, within the last twelve months, there had been three resignations, viz: the Secretary of State, the Secretary of War, and the Secretary of the Treasury, and all chiefly for one reason, the smallness of the salary. I have no doubt (said Mr. S.) of there being complaints, and, if the salary was reduced to three dollars per day, there would be still complaints, as we see in the case with the members of the Legislature of Pennsylvania. He only wished that the Committee would rise, and he should then vote in the House that they might not have leave to sit again. The mover of this resolution had mentioned the danger of meeting with reproaches from the people, who thought their salaries too high. Mr. S. saw very little in this matter, because the people who railed at the salary of six dollars per day, were only anxious to get in themselves, and embraced this topic as an expedient of ousting those members whom they wanted to succeed.

Mr. GOODHUE wished to ask Mr. CLAIBORNE one question, "Whether he found himself growing rich?"

Mr. SEDGWICK saw no occasion for rising because the Committee were perfectly competent at this moment to determine the question.

Mr. RUTHERFORD was for reducing the salaries by one dollar per day, and one dollar every twenty-five miles that the members had to travel. This would be a reduction of one hundred dollars per day, which would be much better bestowed upon the innocent widow of the veteran who had fallen in the service of his country.

Mr. PAGE said, that he did not think the resolution as it was worded, was a proper subject for discussion in that place; for the House, and not a committee, could properly resolve that committees should be appointed. However, as the resolution had been submitted by the House to the consider-

ation of the Committee of the Whole, it must be examined; but, as to the object of it, that he thought was more properly before the Committee, as proposed by the resolution; for, as I have remarked on other occasions, if, instead of discussing a question fully, and collecting the sense of all the members in a Committee of the Whole, it be referred to a committee of one member from each State, that committee might be unanimous in favor of a resolution, against which, eighteen members from Virginia, and a proportionate number from other States, might vote; or, by the weight of that committee, the resolution might be carried, which could not have passed had it been fully and freely discussed in the House. Here, then, my colleague's question should be examined, as I cannot say (as has been said by one of them) that I had no hand in fixing the salaries and pay of the officers of Government and members of Congress, having actually voted at New York for them as they now stand. I think I may with propriety, give my opinion respecting it. And I am clearly of opinion, sir, that the question arises from a misapprehension of the subject to which it is applied; for there cannot be a greater mistake than to suppose that parsimony in a Republic is necessary to its support. A certain degree of economy is so; but parsimony, applied to the salaries of public officers, and the Representatives in particular, may be ruinous to the interests of a Republic. Should the salaries be so low that men of small fortunes cannot afford to serve their country, it must be deprived of their assistance, and we must accept of the services of the rich, who, to have their wills, though low, will serve even without pay; or, the State will be served by artful demagogues, by ready, designing men, who may, in pursuit of profit as well as popularity, cut out places for themselves and friends, producing at length confusion and anarchy, or, at least, such a bungling system of legislation as will cost more time and money to rectify their blunders than the most extravagant salaries could amount to. What true Republican could wish to exclude from a seat in Congress a physician, lawyer, merchant, farmer, or any other person possessed of such well-known abilities and virtues as to attract the attention and respect of a district which might wish to intrust its interests to him as a Representative? Or, rather, who ought not to desire that, as all offices are open to all, that the son of the poorest citizen might be enabled, if qualified, to fill a seat here or elsewhere, to do it without sacrificing his private interest? Is it reasonable to expect that men should sacrifice domestic ease and the interests of their families to serve their country? It is not just to require it. Human nature, except on great and trying occasions, cannot obey such a requisition. My colleague says that he is not a man of fortune; but, has he not a profession by which he can make more than by his attendance on this House? If not, he has not a right to require such a sacrifice of any other person's time and talents. The Constitution, far from requiring any thing like it, demands that compensation shall be made for all services; and who will desire less for ser-

vices than a mere subsistence for a person whilst actually employed in such service? I am sure that less than the present pay of members of Congress would not, in their present situation, be a subsistence. I recollect that, when the House of Representatives were debating, in the first session, at New York, whether their daily pay should be four, five, or six dollars, I affirmed that the expenses of the members where I boarded required that it should be six, that the State of Virginia having once allowed her Delegates to Congress eight dollars, and never less than six, when she bore the whole expense, could not object to her Representatives receiving that sum, when divided, as it was, amongst the States, and spread out over the various duties and taxes of the United States. I asked those, as I might ask my colleague now, who of our constituents could calculate what he would save by any proposed reduction of our pay? I have long suspected, sir, that Republics have lost more by parsimony than they were aware of, and that a misapprehension of some practices in ancient Republics has been artfully kept up, so as to favor Aristocracy and Monarchy. The British Parliament has now no pay; but have they been as independent as their countrymen wished them under the British Government?

The Upper House of the Legislature, which was also the Supreme Court and Privy Council, had a moderate salary, and would never consent to have it raised, that it might be no object to men of small fortunes. But we are told that there is discontent amongst some of our constituents respecting the high salaries of certain officers of Government, as well as of the members of Congress. I am sorry to hear it; but I hope that when they reconsider the subject of their complaint, they will find that it was founded on mistaken ideas of what is the real interest of a Government like this. I believe such a dissatisfaction is subsiding. I know that I was informed that some of my constituents had objected to my re-election on account of my votes at New York for high salaries; but I was re-elected by a great majority of votes in a district of ten counties, and have been again elected by a district composed of six other counties—that county in which I was born, and have always resided, being the only one which made a part of the former district of ten—and yet I have heard no complaints respecting our six dollars: on the contrary, I have been often told they were a moderate compensation. Had my constituents furnished me with instructions to vote for a reduction of it, I should have obeyed them. Had they sent by me remonstrances, such as my colleague says may be heaped upon your table, I should have laid them there; but I should never again ask them for a seat in the House. I should wish to retire.

In reply to the member who had objected to the pay of the SPEAKER, and the difference between the pay of members of the two Houses, Mr. P. said, that whoever would consider the duty of the SPEAKER; his long confinement to the Chair; his painful attention to every word spoken in the House, and his responsibility for the cor-

rectness of the Journals—an examination of which must take up much of his time—would surely not think his pay too great. As to the difference between the pay of a Senator and Representative, he had voted for it, from a belief that a Senator having more services to perform than a Representative, had a right to more pay. The Senate not only have to originate bills as this House has, and to revise and amend bills sent from hence, and often to correct the careless errors they contain, but to make themselves acquainted with the Law of Nations, and to be prepared to judge of Treaties; and also of offences brought before them by impeachments. When the Senators may have gone through the labors of a long session, and the Representatives are returning home, they may be called upon to consider certain nominations to offices, or certain Treaties; and at another time to try certain impeachments. Besides all this, the age of a Senator must be such, by the Constitution, that it is probable that his family is larger, and his pursuits in life more fixed and profitable than those of a Representative, who may be elected when only twenty-five, and therefore his services must require higher compensation. As to the PRESIDENT and VICE PRESIDENT's salaries, I voted for a larger sum than was allowed to either, and thought that the disproportion between them was too great. With respect to the judges, I still think their salaries too small, and so should every one think who will consider the vast importance of their office; the labor of both mind and body which it requires; the laborious course of study through which a man must have gone to be qualified for it, and the lucrative employment such an one must have given up to undertake it. In short, I do not recollect a salary which I think too high. And I must repeat it, that I do not think that large salaries in a Republic can injure it; but that small, inadequate salaries may overturn a Republic.

I am sorry that the question has been brought before us respecting our own pay this session, because the elections in Virginia are not over; it would become us much better another session, if re-elected, to reduce it, than to do so when we may be left out. Besides, if I vote for a reduction, I may be suspected of courting popularity; and, if against it, of despising the opinions of my constituents, if they have adopted those which some members tell us prevail amongst their constituents. I do not like to be in such a dilemma, nor to have my independence unnecessarily tried. I wish, as the question is before us, that it may be fully debated here, and even referred to the further consideration of a select committee; because I think the opinions even of a single member and his district should be treated with respect; and that when they have been fairly proved to be founded in error, there will be an end of complaints, and an acquiescence in the decision of this House.

Mr. GILLESPIE proposed an amendment, the scope of which was, that a committee should be appointed to examine and report whether any and what alterations were necessary in the act

JANUARY, 1795.]

Reduction of Salaries.

[H. OF R.]

fixing salaries to the officers under Government. He suggested this amendment from no motive whatever but what was fair. There had been, and there still was, a degree of clamor upon the subject, and it was the duty of the House to pay attention to the voice of the public, whether right or wrong. If, upon investigation, it should appear that the salaries were not higher than they ought to be, then the report of the Committee would be the best method for stopping the public clamor.

Mr. CLAIBORNE hoped that the Committee would not rise, but decide the point. He trusted that no gentleman would again point at him, and say that the motion came out of his brain. There was not one officer under Government whom he would point out and say, that such an officer had too high a salary. He had expectations that this discussion, by bringing forward the observations of several gentlemen, would in some degree satisfy the people, and that there would be no more pointing out with a finger and saying, "*There goes a six dollars-a-day man.*"

Another member observed, that it was the duty of the House to attend to the voice of their constituents, and for this reason, he should vote for a Committee. He would mention what he had always considered as a most odious distinction, the additional dollar per day, which is to be paid to the Senate from and after the 4th of March next. [The reader will observe, that by the act, members of the Senate were to have seven dollars per day, but the additional dollar was not to commence till the lapse of six years, when all the Senators of the first Congress had gone out.] There was another thing for which he never could see any reason, and that was the giving of twelve dollars per day to the SPEAKER.

Mr. GILES was perfectly convinced that the allowance to the members is small enough already. The saving of a dollar per day suggested by Mr. RUTHERFORD, would be but little, and it was beginning at the worst of resources. The pay ought to be such as would bring persons of middling circumstances into the House; persons neither too high in life nor too low. If the pay was greatly reduced, none but very rich people could afford to give their attendance, and if too high, a seat in the House might be an object to persons of an opposite description. Formerly the State of Virginia allowed eight dollars per day to the members of its Legislature. This sum had since been reduced to six dollars. Mr. G. mentioned this to show that in the practice of individual States, there might be found a precedent for the allowance to members of Congress. He was for voting directly. Mr. G. said, that there was a country from which America had copied a great deal, and very often too much; a country which still had a very pernicious influence in the United States. The members of the British House of Commons received no wages, while the officers of State had immense salaries. It was, however, understood, that the British House of Commons were very well paid for the trouble of their attendance. Mr. G. did not wish to see scenes of that kind in this country.

Mr. HILLHOUSE hoped that the House would have done with this thing immediately, as it had now answered all the purposes expected from it, and he trusted that all motions of that sort which had an eye to certain operations out of the House, would meet with the same fate.

The motion was negatived by a very great majority.

[Before the adjournment, the SPEAKER suggested to the House a considerable inconvenience, occasioned by gentlemen being introduced, and occupying such parts of the House without the bar as were particularly allotted for the use of the House, and of which several members complained. There was often so great a crowd that members could scarce walk round when they had papers to present to the Chair. The passage was often obstructed when messages were to be delivered, and frequently there was no room left for the members when they wished to confer privately with each other. As he did not conceive himself authorized to give special directions without orders from the House, he would take the liberty to suggest to the members of the House, when introducing their friends, the propriety of placing them under the galleries to the left of the Chair, and reserving the space to the right of the Chair for the members of both branches of the Legislature, the diplomatic gentlemen, judges, and other officers of Government; which was generally acquiesced in.]

WEDNESDAY, January 28.

A petition of sundry iron masters, in the State of Pennsylvania, whose names are thereunto subscribed, was presented to the House and read, praying that an additional duty may be imposed on all iron imported from foreign countries; or that such other encouragement may be given to the manufacturing the said article within the United States, as to the wisdom of Congress shall seem meet. Laid on the table.

The House resolved itself into a Committee of the Whole House on the bill to repeal a part, and to continue in force another part, of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same;" and, after some time spent therein, the Committee rose, and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred that part of the Message from the PRESIDENT OF THE UNITED STATES, of the eighth instant, which relates to the Letter from the Governor of the Territory Northwest of the river Ohio; and, after some time spent therein, the Committee rose, and reported the following resolution, which was twice read, and agreed to, viz:

Resolved, That an appellate jurisdiction of all causes whereof one Judge of the Supreme Judicial Court of the Territory Northwest of the river

H. of R.]

Thomas Person and others.

[JANUARY, 1795.]

Ohio, now has jurisdiction, ought to be given to the two Judges of the same Court, who may not have adjudicated on the first trial, and the Governor of the Territory; any two of whom to form a Court for that purpose: and also, that, in causes of greater amount than five hundred dollars, an appeal ought to be given to the Supreme Judicial Court of the United States.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. DEXTER, Mr. HARTLEY, and Mr. HARRISON, do prepare and bring in the same.

Mr. SAMUEL SMITH, from the committee to whom was re-committed the report of the committee on the report of the Secretary of War, respecting the fortifications of the United States, made a report; which was read, and ordered to lie on the table.

THOMAS PERSON AND OTHERS.

The House resolved itself into a Committee of the Whole House on the report of the select committee on the Message of the PRESIDENT, with a Letter from the Governor of North Carolina, enclosing the memorial of Thomas Person, and others, proprietors of land Southwest of the Ohio.

This report produced a long debate. It was contended that the Government of the United States ought to indemnify the purchasers of certain lands in North Carolina, who had purchased them, under the sanction of the State, from the Indians. The Government had given up the land to the Indians.

Mr. McDOWELL said, that the right of the Government for what they had done, might justly be called in question. He called upon the Legislature, in behalf of the people, either to give them sure possession of their lands or to give them some equivalent. He asked this as a matter of right, and not as a favor. Mr. McD. never had been, nor was now, a shilling interested in the concern, but knowing, as he did, that a very great number of citizens were injured by this act of Government, he thought that it was just and right to compensate them in some way, or at least such of them as are willing to relinquish their claims. There were many in easy circumstances, no doubt, who would not be willing to give up their claims; but, on the other hand, many by their situation would be obliged to do it.

Several other gentlemen spoke, at length.

Mr. GILLESPIE moved that the Committee should rise, and the Chairman ask leave to sit again.

Mr. SEDGWICK was for the vote being taken immediately.

Mr. MACON said that he had not before seen such conduct. It was plainly saying that we make no answer to your arguments, but call for the question, and outvote you. It was not consulting the dignity of the House.

Mr. SEDGWICK did not know which way the votes would go, as he had not spoken to any gentleman upon the subject. This question had been very fully discussed, and listened to with great patience by the members.

At last the Committee rose; the Chairman re-

ported progress, and leave was granted to sit again.

THURSDAY, January 29.

AARON KITCHELL, returned to serve in this House, as a member for the State of New Jersey, in the room of Abraham Clark, deceased, appeared, produced his credentials, and took his seat in the House; the oath to support the Constitution of the United States being first administered to him, by Mr. SPEAKER, according to law.

An engrossed bill to repeal a part, and to continue in force another part, of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," was read the third time and passed.

A representation of the Legislature of South Carolina was laid before the House and read, suggesting the propriety of an amendment to the Militia laws of the United States, relative to the rank of officers in the cavalry and artillery, as well as of those in the lines of the different States generally.

Ordered, That the said representation be referred to the committee appointed to prepare and bring in a bill or bills respecting the organizing, arming, and disciplining the Militia of the United States.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina: which was read twice and committed.

The House proceeded to consider the report of the committee to whom was referred the memorial of Joze Roiz Silva, which lay upon the table: Whereupon,

Resolved, That the Collector of the District of New York be authorized to receive the invoice and other proofs of Joze Roiz Silva, respecting the cargoes of wines mentioned in his memorial, and if he shall be satisfied that the same, or any part thereof, was subject to a less duty than that charged and paid, then to refund to the said Joze Roiz Silva such sum, if any, as shall appear to be overcharged on the said cargo.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. WATTS, Mr. COFFIN, and Mr. MALBOXE, do prepare and bring in the same.

Mr. BALDWIN, from the committee to whom was re-committed the report of the committee appointed to report what further provisions are necessary for the more general promulgation of the laws, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

THOMAS PERSON AND OTHERS.

The House then resolved itself into a Committee of the Whole, Mr. CORB in the Chair, to resume the consideration of the claims of Thomas Person and others, to certain lands lying on the frontier of the State of North Carolina, and ceded

JANUARY, 1795.]

Thomas Person and others.

[H. or R.]

by the Commissioners of the United States to the Indians.

Mr. GILLESPIE took up the subject in the same stage in which it stood before he spoke the preceding day. He said, let us examine the conduct of other States. Did not New York dispose of lands within her chartered limits, and from the sales become wealthy, as she has large sums in the funds? The State of Virginia took advantage of the purchase of Henderson and Company, for that part now called Kentucky, although they now exclaim that the purchase was unlawful; yet, unlawful as it was, it has extinguished the Indian title to those lands. Now, if the purchase of Henderson and Company had this effect on the Northeast side of Walker's line, which divides Kentucky from the Southwest Territory, is it not just that it should have the same effect on the Southwest side, when made by the same persons, on the self-same day? And surely the rights of North Carolina must be at least equal to that of Kentucky, in everything except that of power. But is Congress going to legislate by strength of arm? I hope not. It has been admitted, by some who have spoken on the subject, that the citizens of North Carolina have a right of redress by law, and by others, against her own Legislature. To the first of these, I ask, against whom is the suit to commence? Are our citizens, thus bereft of their property, to be compelled to litigate suits at law for property taken for public use, and for which they have a just claim against the United States; or have they not an equal right to compensation for that which the United States, by their agent, took from them, as other citizens are entitled to, for property piratically taken on the high seas, by the robbers of Britain? And do we, in the last case, say to these unfortunate sufferers, commence suits against those who have injured you? No. Government has taken the litigation in hand, at her own cost. Let her do so with the citizens of North Carolina. Or, will the Government of the United States support the claim of the injured against her own Executive? Will they do it against the State of North Carolina? They cannot; and from what has been said in this matter it is plain that, as the Government of the United States has converted the property of the citizens of North Carolina to the uses of her Government, compensation ought to be made out of the public purse, as the contrary would, on her part, destroy that bond of union between her as the sovereign power of the United States, and her citizens, and as not only bound to govern with justice, but also to protect them from all manner of injury, as well domestic as foreign. Mr. G. apologized, that he was without authority in the House, but would pledge his reputation that what he should advance, if not verbatim, should be in substance with the author quoted:

"It is admitted by many, that the sovereign authority possesses a power, under the laws of ancient domain, to alienate the property of the subject, for the benefit of the Commonwealth, by impeding public necessity against private injury." But, without doubt, they "that have lost or sacrificed their property to the public safety

in such extremity, ought to have satisfaction made, as far as possible, by the Commonwealth. Anything short of this would destroy the reciprocity between the sovereign and subject."—*Puffendorf*, b. 8, c. 5, § 7.

But can public necessity be urged in the present case to justify this kind of political robbery? I answer, no. If the Indians are to be kept in peace by bribes, why not in this, as in other similar cases, by presents and pecuniary rewards? Is it not an indignity to the United States to purchase peace from an Indian nation, at the expense of a part of her citizens, whose resources at best were scanty, and are, by this and other speculations, almost annihilated? Surely it is. And let me add, is it not an invariable axiom with all authors on Government,

"That all sacrifices of property made by individuals for the public benefit or accommodation, should or ought to be paid out of the public revenue, and that one should not bear more of the burden than another."—*Burlemaqui*, b. 8, c. 5, § 27, 23.

Is it not, then, obvious to all, who will reflect on this subject, that compensation is due to these individuals, whose property has been wrested from them for Government purposes? The same author observes, in the 38th section of the same chapter:

"That as no subject can assume any part of the sovereign power without the consent of the whole, neither can any sovereign authority deprive the subject of his right and property, nor substitute another sovereign over him without his consent."

The public is in nothing more essentially interested than in the protection of every individual's private rights, as modelled by the municipal law in this and similar cases. The Legislature can and frequently does interpose, and compel the individual to acquiesce. But how does it interpose and compel? Not by stripping the individual of his property in an arbitrary manner. No. But by giving him full and ample indemnification for the injury sustained; for there must be an end of all social commerce between man and man, unless private possessions be secured from unjust invasions. Thus, the protection of a State, in every precedent to be found in books that treat of the fundamental laws of civil society, or in the resolutions and acts of the British Parliament, means restitution, indemnity, or compensation. *Grotius*, when treating of the right of the sovereign authority to give up or take the property of the subject, calls it "restitution, satisfaction." *Burlemaqui*, "indemnity, and indemnifying the subject for the injury sustained;" and *Vattel*, "recompense out of the public money." It is farther observed, that cases of this kind operate, like property thrown into the sea to save the ship, by making an estimate of the loss, and causing an equal average on the property saved, which each owner is bound to pay. So that, from the fullest conviction, I am of opinion the citizens of North Carolina are entitled to the relief reported by the select committee, and that strict justice requires we should comply with it; for, as I have said, in nothing is the Government of the United States more concerned in a superlative degree, than in doing strict justice

H. of R.]

Thomas Person and others.

[JANUARY, 1795.]

to her citizens, as of the last importance in preserving the affections of the people to the Government. Vacancies in our Departments, civil, judicial, or military, may be supplied as well, but to restore the confidence of a people borne down with oppression, exceeds comprehension. It is like attempting to return from the grave—is without precedent, and is vain labor indeed. At different epochs it has shook the foundations of monarchies, and caused tyrants to tremble and atone for their crimes with their lives; and, as I said at an early stage of the debate, if usurpers, tyrants, and despots, have been compelled to do justice, by this undeniable law of nature, shall the Government of the United States, founded on the pure principles of Democracy, be less just? Surely not. Have we received a power to exercise in wantonly oppressing those who gave it? God forbid! Therefore, let it ever be impressed on our minds, that justice exalteth a nation. The House, I hope, will pardon my detaining them, at a time when every moment is precious. But the duty I owe to my injured constituents forbids silence, and will I hope be a sufficient apology. I shall therefore, submit to the judgment of the House, not doubting but justice will be done.

Mr. NICHOLAS was satisfied that the purchasers of the lands had a claim either against the United States or the State of North Carolina. Much had been said about the Indian right; but the Indians never had been fit to occupy these lands. It could never have been the design of nature that these people should be termed the possessors of land which they were incapable to enjoy. He was, upon the whole, on the side of the claimants, though he enumerated some of the difficulties that would attend an attempt to please all parties.

Mr. W. SMITH had found much difficulty in forming his opinion upon this question. He had at first been somewhat disposed against the claimants, but at last, after full deliberation, he was convinced of the justice of giving them redress. He requested the particular attention and candor of the House. The United States were, in this case, made a judge in their own cause, and therefore it became more their duty to examine every part of the subject with the more accuracy. Mr. S. then began a distinct detail of the circumstances in the present dispute. Previous to the year 1776, North Carolina was a British Colony, and the British Crown considered itself as entitled to bestow grants of territory. In that year, North Carolina became a sovereign State, and consequently she conceived herself as succeeding to the right of the British Crown, and as having a right to bestow grants in the same way as the Kings of Great Britain had done. This claim was asserted in her general Declaration of Rights, and it was incorporated into her Constitution. When North Carolina entered into the Union, all the Legislative rights of the State were preserved, and, by a necessary inference, her title to the lands comprehended in her original charter. In 1783, the State opened an office to sell the absolute right of such lands as had not been disposed of. In 1789, North Carolina ceded the right of juris-

dition to the United States, but she reserved her own Legislative rights, and consequently her right to sell the lands within her own territory; and in disposing of the lands in question, the State did not intend merely to sell the right of pre-emption from the Indians, but the absolute title to the lands. Mr. S. read a part of the Constitution of North Carolina, in order to explain what degree of legislation the State had conceded to the Federal Government, and what part she had reserved to herself; and he was clearly of opinion, that the disposal of the lands had been reserved. In 1783, the State offered these lands for sale. In 1786, the Commissioners of the United States assigned a great part of them to the Indians. In 1788, the Legislature of North Carolina declared that they would support the purchasers. The grand question now is, did the State, by acceding to the Confederation, give up her right of legislation? She gave up her right to make Indian treaties, but reserved that of legislation, because, as above observed, it formed a part of her Constitution, which was understood to continue unviolated. These lands were bought with certificates, which it was alleged, on the other side, would purchase nothing else. If the certificates would purchase nothing else, it was proper at least that they should have been restored to their first owners, who might have subscribed them to a part of the Public Debt of the United States. They were certainly entitled either to their land or their certificates. These certificates, which were paid into the Treasury of North Carolina, were those of the United States. If the owners had only a pre-emption right, Mr. S. insisted that the certificates should be returned.

Mr. SEDGWICK said, that this was quite a new fact to him, and if it was as stated, there was no necessity for Legislative interference at all. The State of North Carolina had only to come forward and subscribe them to the Treasury.

Mr. W. SMITH explained, that when delivered into the Treasury of North Carolina, they had been cancelled. After this they were again ordered to be made current by the subscriptions of the officers of the State, and in that shape they were offered to the Commissioners of Loans, who refused to accept them. The exact amount of the certificates could still be ascertained, as well as the names of the persons to whom they belonged. They had been cancelled, but not destroyed.

Mr. BOUDINOT imagined that Mr. SMITH had furnished a new and forcible argument against his own cause. This claim of North Carolina to sell the lands was wrong, and this doctrine had been the cause of all the disputes in which the Federal Government has been engaged. The Crown of Britain had never pretended to any right of this kind, nor ever thought it had a title to any lands till they were first purchased from the Indians. The question before the Committee was, have the United States taken away any claim which the purchasers of these lands had? And the answer is, that the United States have not. The State of North Carolina only had a right to sell the privilege of pre-emption. This was the only right which the purchasers obtained, and this right they

JANUARY, 1795.]

Thomas Person and others.

[H. OF R.]

still possess. As to the certificates, they were not those of the United States, but those of North Carolina. They were not Continental certificates, and for that reason Continental officers would not accept them; but North Carolina has since brought these certificates into her account against the General Government. The Commissioners, in 1786, had done a very great service to North Carolina, by settling a line of boundary, and putting an end to the Indian war. He thought that the best way would be for the claimants to apply to the Executive, and agree among themselves to extinguish, by an interference of that kind, the Indian right. This would be much better than for the House to involve itself in the purchase of an immense tract of land, at an expense of seven or eight hundred thousand dollars, (or how much more Mr. B. could not tell,) when there was so much occasion for the money to pay the National Debt. He again declared that he should think it the best way to obtain the good offices of the Executive in extinguishing the Indian right. The Six Nations possessed part of the territory of Pennsylvania. This State also may apply to the General Government for redress, if North Carolina were to get payment for these lands. The State of New York may do so, for the same reasons as North Carolina. This would be involving the Government in an endless labyrinth. He was as unwilling as any gentleman in the House to interfere with the rights of the Legislature of North Carolina. But he did not wish to see the House going blindfold into the business. The United States have too much land already.

Mr. KITTERA.—The certificates must have been given in by North Carolina to the United States. She denied the right of the Commissioners, in 1786, to make Indian treaties, but now that right is given up. He agreed with Mr. BOUDINOT as to his observations on Pennsylvania. Georgia, also, he said, had about sixty millions of acres within her chartered limits. The business would never have an end, if the General Government was to interfere in all these cases.

Mr. SCOTT.—Has not this Government a right to restrain every wild-goose excursion into the woods? If it has not, the Union must fall prostrate at the feet of every wild speculator. Pennsylvania, at a great expense, made preparations for an establishment at Presqu' Isle. The ground had been bought at a great expense from the United States. Yet for the sake of general peace, the settlement had been stopped.

Mr. McDOWELL denied that the two cases corresponded, for the lands at Presqu' Isle had not been given to the Six Nations.

Mr. BOUDINOT differed from the last speaker. He did not think that any thing farther had been done against the interest of North Carolina than against that of Pennsylvania.

Mr. BLOUNT denied that the Indians ever occupied the lands in question, or were fit to occupy them in any proper sense of the word. To walk across a country, and to shoot in it, was different from an occupation. But, besides, the Creeks and Cherokees were not the only tribes who had hunted

there. It had been said yesterday that these lands gave rise to speculation. Mr. B. wished that it had done so, for in that case the certificates would all have been paid by this time. There was no difficulty in funding Southern certificates, when once they got into the hands of Northern speculators. Mr. B. thought himself entitled to receive back from the United States the money which he had paid into the Treasury of North Carolina for these lands.

Mr. MURRAY requested the favor of any gentleman to inform him, whether the lands in question were possessed and occupied, in the more civilized sense of the terms, by the white people? He believed they were not. Had they been in peaceable possession, living on, and cultivating the lands, that circumstance would form a very interesting motive in his mind in favor of the indemnity that was asked. But, in fact, they never were possessed of any right but that which North Carolina could give them—the pre-emption right; that right they now possessed as fully as they did at the time of the cession to the United States. [Mr. CARNES rose, and informed him, that many white people, who had begun farms, were driven off their lands, and reduced to great distress by the proceedings of the Commissioners.] Mr. M. said, an argument struck him of some weight—that if the claim be gratified, the claimants will be in a better situation now than they would have been if the cession had not been made; for North Carolina could not have given them absolute possession but by force of arms. This she would not have a right to do, under this Confederation, nor under the Constitution, as no one State can make war. But the claimants can ask nothing more of the United States than they could have had accomplished for them by the State of North Carolina. A new doctrine resulting from the Revolution, must be admitted as a ground of reasoning, when Indian, unconquered territory, is before us. The Provinces had power, as individual bodies—which States, as such, have not—the right of making war, and gaining possession of Indian territory by conquest. So it was, that a Province could, from its own separate resources, make war on Indians, and pay individually the expense. But when the great contest for Independence came on, all the States were, in fact, principal confederated bodies, long before they signed the paper of Confederation. The doctrine, which suited such a body of States, was, that whatever might be gained by the joint efforts and expense of all, should be the property of all, jointly; and he thought that every principle of sound justice warranted him in applying the doctrine, so far as to say, that whatever might be the chartered limits of each Province, while dependent, yet the moment of the joint contest was that in which the true limits of a State were, as far as property in land went, confined to that boundary which was really located, occupied, and peaceably holden within the limits. To say that the State had a right more positive than the pre-emptive one, to lands actually occupied and defended by hostile tribes of Indians within the chartered limits, admits a prin-

H. of R.]

Thomas Person and others.

[JANUARY, 1795.]

ciple, that, if put into action, tended necessarily to violate the great principle of the Confederation, and of the present Constitution, which divests the individual States of the right to make war; as the State, to make good any sales she might make within the hostile territory, would be obliged to make war on the tribes to dispossess them. The lands in question were in this situation. They were occupied by Indian tribes, and were never in possession of North Carolina. The gentleman from that State seems to doubt the occupancy of the tribes. Mr. M. believed we would violate principles of justice were we to borrow the principle of occupancy from books, and apply it to Indian society. The Indian tribes held certain tracts of land. As to the mode in which they thought it most rational to use the land, it was nothing against their right to say its exercise differed from our mode. He understood they made a hunting ground of the land in dispute. They had a right to use it as such, and their mode of use was no argument against their right. All that could be, or was proved to belong to North Carolina, was the Colonial right of qualified sovereignty, called the pre-emption right. This was all she could grant, and this was all that the claimants could take from her. They had that now; and as he could not see the propriety of making their situation better than if the cession had not been made, so he could not agree to the resolution for giving them indemnity. Perhaps his ideas on the subject might be fashioned by local circumstances, belonging as he did to a State which had no share in those rich funds which the large frontier States possessed, he thought, very unjustly, in immense tracts of back lands. He felt it a duty to narrow all claims like the present as much as possible. Connecticut, Rhode Island, Jersey, Delaware, Maryland, were all in the same situation. They had no back lands, and were divested of the share they were justly entitled to in the back lands, which now bring immense funds of wealth into the land offices of those States which possess them.

Mr. HEISTER wished to have that part of the law read which relates to the species of certificates referred to in the debate; this was accordingly done. Mr. H. said that he had not enough of evidence before him to give a vote. He therefore wished that the Committee might rise.

Mr. MACON said, that, according to Mr. BOUNDNOT, it was the doctrine of North Carolina in 1783, that the State possessed a right to the unappropriated lands. If that was their doctrine then, nothing had since happened which could make it cease to be so now. The Crown of Britain had transferred the absolute property of lands without inquiring for permission from the Indians. This evidence went strongly to prove that North Carolina had the same title. The case of Presqu' Isle did not apply, for Pennsylvania was raising troops to make that settlement, and no State can, by the Constitution, raise troops of itself. He wished the Committee not to rise till they had determined the question.

Mr. CARNES had foreseen that the claim before

the Committee would be opposed upon various grounds; but he considered none of them as well founded. Grants were first made by North Carolina to individuals, of lands within her chartered boundary. The cession made to and accepted by the United States, conditioned to secure the interest of individuals. A treaty was thereafter ordered to be held by the United States with the Indians, and by that treaty, lands formerly granted, were relinquished to them. The Commissioners of North Carolina protested in form. The people turned out, had paid ten pounds the hundred acres, for their lands, and they were entitled to compensation from North Carolina, or from the United States. It had been said, that North Carolina had no right but that of pre-emption. This Mr. C. denied. North Carolina had a right to all the lands within her boundary; and there was an express agreement reserving those lands to individuals. Why did the United States contract with the State, if she had no right? The Indians never could have been considered an independent nation, else there would be compensation *in imperio*. He mentioned the case of the Tallissee Country containing four millions of acres. By a treaty made in 1785, between the State of Georgia and the Creeks, this land was ceded to Georgia. By a second treaty, at New York, this very country was relinquished to the Indians, and of course the *bona fide* right of the State wrested from them. If a decision could be had on this case before a judicial tribunal, it would not require a moment's hesitation to determine in favor of the State, and that the treaty was a nullity. It had been alleged that the right of pre-emption was the only right in possession of the States, that is, a title to purchase of the holders of the property, in exclusion of all other States, or individuals thereof or the particular State. Mr. C. contended that the fee-simple of all the soil within the chartered limits belonged to the State. As to the boundaries, the definitive Treaty of Peace settles them beyond contradiction. As to the proprietors of these lands being in no worse condition now than before the cession back to the Indians, the people were plowing the lands, when driven from them, and will any gentleman say that this is not injuring people? As to the State of North Carolina having no particular claim to the land now beyond the Indian line, he would put a case within the chapter of possibilities. Suppose that all the Indians were driven over the Mississippi to-morrow, to whom would the lands which they now possess belong? The particular States, to be sure, within whose range they lay. The gentlemen who advocate for morality, and who talk of treating the Indians with humanity, are the very men who have uniformly countenanced the raising of troops, and augmenting the force on our Northwestern frontiers. How can they reconcile their conduct? The Indians to the South are to be treated with humanity, and those to the North are to be butchered, that the United States may enjoy their property.

Mr. BOUNDNOT said, that the charter from Britain extended to the South Sea, but such a stretch of territory was not really claimed by Britain

JANUARY, 1795.]

Thomas Person and others.

[H. OF R.]

He read several of the old laws of North Carolina, to prove that the Indian right of soil had always been acknowledged.

Mr. BLOUNT had never thought of quoting this book, which he now did, to show that the British Government had authorized conquest. He did not know of one purchase made in Carolina. It was all conquest, and so were nine-tenths of all the lands held by the white people in America.

Mr. McDOWELL.—Those lands which are the subject of debate, and which a number of gentlemen have contended that North Carolina had not a right to grant to her citizens, have been proved to be within the chartered limits as granted by Charles II., and which limits, sovereignty and jurisdiction were guaranteed to the State by the Articles of Confederation.

After this, and within the year 1788, the Legislature passed a law for opening an office to receive entries of lands in the district of country now called the Territory South of the Ohio, for the redemption of special and other certificates; and after a number of the surveys were made, and the grants issued, the Government of the United States ordered a treaty to be held with the Cherokee Indians at Holston, in the year 1785, and the Commissioners agreed to give up a large quantity of lands before stated to the Indians; but, previous to articles being signed, Colonel Blount, who was the agent for North Carolina, entered his protest in behalf of the State, that some of the articles about to be entered into between the Commissioners, on the part of the United States, and the Cherokee Indians, would infringe on the Legislative rights of the State of North Carolina, and the Legislature of the State also protested against the proceedings.

I must here remark, that the then Government of the United States, agreeably to the Articles of Confederation, could not legally make use of the property of the State for any purpose without their consent.

This continued to be the situation of this business, till after Congress requested a cession of those lands, with the sovereignty thereof, which now form the Territory South of the Ohio, which was complied with, under certain reservations, to continue claims, and the situations of the claimants as good as though this cession had not been made, which was a complete acknowledgment of the right of North Carolina, on the part of the United States, but in my opinion placed them in the same situation that the State would have been in, had the cession not taken place.

Since the adoption of the present Government, another treaty was ordered to be held with the Indians, and the lands were given up to the Indians. Here the Executive right to make such treaty may be questioned, and I believe rightly too; for it would be an extraordinary power for them to make use of the property of individuals, without their consent, or making any compensation, and apply it to national purposes. Great difficulties would be involved, were a remedy to be attempted in a judicial way against the Government. I do therefore think either that policy or interest, on

the part of the United States, would point out a compliance, in part, with the report on the table, for it will not place the United States in any worse situation than they would have been in, had the lands not been entered. Had that been the case, those certificates would have been in the hands of individuals, a debt against the Government, but on their being subscribed now, to the amount actually paid on their relinquishing their claim, you would then have the land, which will be valuable at a period far distant.

Some gentlemen appear to be alarmed at the sum; but if the principle is a just or fair one, the sum ought not to be an objection. I will here state further, to remove the alarms of those gentlemen, that the sum will fall far short of the statement made by Mr. Jefferson, as a great deduction is to be taken from that; but I can further assert, that a great number of the claimants would not relinquish their claim to said lands to subscribe; it would generally be such as are in indigent circumstances. And here I cannot help making some reply to the objections stated by several members, who have alleged that North Carolina had acted wrong in selling these lands before they had extinguished the Indian claim, and that the claimants were in no worse situation than they would have been had the cession not have taken place. I am not a little surprised to find, that gentlemen cannot see the distinction, for had the cession and treaty at Holston taken place, they were at liberty to settle the lands, and North Carolina was bound to protect them; but since the treaty had been made, the land is not only given up as stated, but it is made criminal to cross the boundary. Mr. DEXTER has stated that North Carolina has acted unjustly and wrong in making sale of those lands before she had extinguished the Indian claims.

Here I shall repeat what I stated before in answer to what the gentleman has said. That the Indian claims to said lands were, in part, extinguished by Henderson's purchase, and part by conquest, and that a considerable part of the lands, that no nation of Indians could establish a claim to, had been claimed by different tribes as territory grounds, but had not been inhabited by any tribe within the memory, or any account that can be traced, and for as great a length of time the different tribes had been at war with each other about the right of hunting on said land. But so far as it relates to the right of North Carolina, I believe no member has a right to call it in question at this time. The gentleman's arguments would have been more applicable at the time the cession act was under consideration; and as to what the member said about the principle and precedent it would fix, I will only call the attention of that gentleman and the Committee, to the conduct of the Government of the United States. Have they not pushed conquests into the Indian country Northwest of the Ohio? Are they not continuing to do so, and is it not in contemplation to sell large quantities of lands in that country, that have never been purchased? If so, the precedent which the gentleman fears so much is already established. But here I beg leave to call the at-

H. OF R.]

Thomas Person and others.

[JANUARY, 1795.]

tention of the Committee, in the most serious manner, to the number of citizens concerned, perhaps near twenty thousand. A great number of them are men who turned out in support of the American Independence, who fought, who bled, and furnished their property freely to the support of the cause. For this service they received certificates, which they wished to realize by entering said lands, and flattered themselves with sitting down on those lands, and in the latter part of life, making themselves and families happy. Their hopes were soon blasted. After the act of last session, the Treaty of Holston took place, which gave their property to a savage and cruel enemy, to quiet the minds of an enemy who not only were opposed to us through the war with Britain, but ever since have been imbruing their hands in the blood of innocent women and children. What will be the feelings of the claimants, who have acted as I have stated, when they find that their request, which to be sure is a modest one, and which is only to be reimbursed for sums actually paid, is refused. Should this be the decision, I leave you to draw the conclusion. Should they proceed to settle those lands in opposition to the treaty, I should not be much surprised. But the report on your table goes too far, as to damage and a future preference, which I am not in favor of; therefore the resolutions in the latter part of the report I hope will be stricken out.

On the same question, Mr. GILLESPIE made the subsequent remarks: he observed a disposition in the House to call the question; he then said that the situation in which he stood required that he should say something in support of the resolution under consideration, as it had been stated as a new and singular case, from which he took the liberty to dissent, as every writer on the law and usage of nations, held it as an invariable axiom, that all sacrifices of property made by individuals for public uses, ought to be paid out of the public purse. He stated the Treaty between England, France, and Spain, in 1763, and the case of the loyalists in 1783, and as the hour of adjournment had arrived, concluded with a motion for the Committee to rise, and report progress.

The question was then put, Shall the Committee now rise and report progress? This was negative. The resolutions in the report were successively put, and lost.

The Committee then rose; the Chairman reported progress, and the House adjourned.

FRIDAY, January 30.

A memorial of sundry manufacturers of hemp, in the town of Newport, in the State of Rhode Island, whose names are thereunto subscribed, was presented to the House and read, praying that a drawback of the duty imposed by law on the importation of foreign hemp, may be allowed on the exportation of the same, when manufactured into cordage within the United States. Also,

A memorial of sundry manufacturers of chocolate, in the State of Massachusetts, praying that so much of an act passed at the last session of

Congress, as imposes an additional duty of two cents per pound on cocoa imported from foreign countries, may be repealed; and that such measures may be adopted for encouraging the manufacture of the said article within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorials be referred to Mr. GOODHUE, Mr. WATTS, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinions thereon, to the House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating "that, pursuant to the duty enjoined by law upon the Head of that Department, he has prepared a report, containing some suggestions for the improvement and better management of the several branches of the actual revenues of the United States, which is ready to be communicated, as the House may be pleased to direct." The letter was read: Whereupon,

Resolved, That the Secretary of the Treasury be informed that the House is ready to receive the report therein referred to.

The House proceeded to consider the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the thirtieth of January, one thousand seven hundred and ninety-four, enclosing the copy of a letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as, also, the petitions of Thomas Person and others, proprietors of lands in the Territory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina, to which the Committee of the Whole House had, yesterday, reported their disagreement: Whereupon,

The first resolution reported by the committee, being again read, in the words following, to wit:

"*Resolved*, That it shall be lawful for the Executive of the State of North Carolina to subscribe, by way of loan to the United States, the amount of all such certificates as have been deposited in payment for any lands (reserved by the act of cession aforesaid) in payment for any lands which may have been relinquished to the Indians by the treaty aforesaid, in trust for the persons by whom they were so deposited, according to their respective rights and interests."

The question was taken, that the House do agree with the Committee of the Whole House in their disagreement to the said first resolution, and it was resolved in the affirmative.

The second resolution reported by the committee, being again read, in the words following, to wit:

"*Resolved*, That the United States ought to reimburse the said persons the money which they have expended in having entries and surveys made, and in obtaining grants, and any other incidental charges which they have necessarily incurred, with interest; and that they should moreover make a reasonable allowance for the loss and damage which the petitioners have sustained, by having possession of the said land withheld from them."

The question was taken, that the House do

FEBRUARY, 1795.]

Proceedings.

[H. of R.]

agree with the Committee of the Whole House in their disagreement to the said second resolution, and resolved in the affirmative.

The third resolution reported by the committee, being again read, in the words following, to wit:

"And whereas the grants to the aforesaid lands, made by virtue of an act of the Legislature of North Carolina are valid to all intents and purposes, as coming fully within the purview of a condition contained in the act of cession from the said State to the United States: Therefore,

Resolved, That, whenever the United States shall think proper to extinguish the Indian claim to the said lands, by purchase or otherwise, it will be just and reasonable that the several persons who have obtained grants, or made surveys or entries, should have such rights confirmed and established, and their titles perfected, in preference to any other persons, on repaying to the Treasury of the United States, the amount of what they may now receive, as a compensation for their disbursements and losses, in case such persons shall think proper to make such re-payment within a certain time, to be limited by Congress for that purpose."

The question was taken, that the House do agree with the Committee of the Whole House, in their disagreement to the said third resolution, and resolved in the affirmative.

A motion was then made, and the question being put, that the House do agree to the following resolution:

Resolved, That such persons as have entered lands agreeably to the laws of North Carolina, in the Territory ceded by that State to the United States, and on the Indian side of the line established by the Treaty of Holston, ought to be reimbursed by the United States the amount of the purchase-money actually paid for the same, and the necessary expense of locating and surveying, where the survey has been made; such persons first relinquishing their right thereto, to the United States."

It passed in the negative, yeas 14, nays 56—as follows:

YEAS.—Theodorus Bailey, Thomas Blount, William B. Grove, George Hancock, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, John Page, Robert Rutherford, William Smith, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bowne, Lambert Cadwalader, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Gabriel Duvall, Benjamin Edwards, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Andrew Gregg, Thomas Hartley, John Heath, James Hillhouse, William Hindman, Samuel Holten, John Hunter, William Irvine, Aaron Kitchell, Amasa Learned, William Lyman, James Madison, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murray, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Thomas Scott, John S. Sherburne, Jeremiah Smith, Samuel Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Artemas Ward, and Paine Wingate.

Another motion was then made and seconded,

that the House do come to the following resolution:

Resolved, that the President of the United States be requested to cause a treaty to be entered into with any Indian tribes who may claim, hold, possess, or be entitled to, any lands within the Territory ceded by the State of North Carolina to the United States; and to endeavor to obtain, by such treaty, an extinguishment of the Indian claims to all lands, the pre-emptive right to which has been sold by the said State, in pursuance of the act of one thousand seven hundred and eighty-three, opening an office for the sale of the said lands."

Ordered, That the said motion be committed to Mr. WILLIAM SMITH, Mr. DAYTON, Mr. SWIFT, Mr. McDOWELL, and Mr. PAGE.

The House resolved itself into a Committee of the Whole House on the report of the Committee of Claims, to whom was referred the petition of Gilbert Dench; and, after some time spent therein, the Committee rose and reported that the prayer of the said petition ought not to be granted, and that the petitioner have leave to withdraw the same; which was agreed to by the House.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing certain confidential communications from Major General Wayne, dated the twenty-third of December last; which were read, and ordered to lie on the table.

MONDAY, February 2.

A memorial of sundry manufacturers of hemp in the town of Providence, in the State of Rhode Island, whose names are thereunto subscribed, was presented to the House and read, praying that a drawback of the duty imposed by law on the importation of foreign hemp may be allowed on the exportation of the same when manufactured into cordage within the United States.

Ordered, That the said memorial be referred to Mr. GOODHUE, Mr. WATTS, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. WILLIAM SMITH, from the committee to whom was committed the motion of the thirtieth ultimo, authorizing a treaty to be held for the extinguishment of Indian titles to lands within the Territory ceded to the United States by the State of North Carolina, made a report, which was read; whereupon,

Ordered, That Wednesday next be assigned to take the said report into consideration.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the report referred to in his letter of the thirtieth ultimo, for the improvement and management of the public revenue; which were read, and ordered to lie on the table.

Mr. GILES, from the committee appointed, presented a bill to provide for organizing, arming, and disciplining the Militia of the United States; which was read twice and committed.

Resolved, That the Secretary of the Treasury be directed to report the nett amount of duties

H. OF R.]

Military Establishment.

[FEBRUARY, 1795.]

arising on distilled spirits, and on country stills, (drawbacks deducted), during the year one thousand seven hundred and ninety-two, showing how much thereof was collected in each State; what proportion of the whole has arisen on spirits distilled from foreign, and what from domestic materials, and the total expenses of collecting in each State. Also, the same for 1793, so far as returns have been made; and where they have not been made, that he be requested to furnish an estimate of their nett product, calculated on the return of 1792.

MILITARY ESTABLISHMENT.

The House, on motion of Mr. DAYTON, next resolved itself into a Committee of the Whole, to take into consideration the report of the select committee relating to the Military Establishment. The Chairman having read the resolution recommended by the committee, in the following words, viz :

"Resolved, That two regiments, consisting of nine hundred and sixty men each, be formed out of the regiments now in the service of the United States, to compose, with the corps of artillery, the Military Establishment of the United States, and to continue in service until the first day of June, 1798, unless sooner discharged"—

Mr. DAYTON said, that he disliked the report in general, and was more immediately opposed to the proposition on the table, which he should not agree to under any modification of which it was capable. It was his wish to have taken the sense of the Committee of the Whole upon his plan, by proposing to amend the one before them, but he found it could not be done consistently with the rules of the House, as it might with propriety be considered rather as a substitute than an amendment. If the one under consideration should be negative, (and that such ought to be its fate, Mr. D. inferred, not merely from the insufficiency of the numbers proposed therein for the Military Establishment, but from the wording of it, which contemplated regiments—a term not at all applicable to the present system of organization, which was a legionary one)—then the way would be opened for him to offer to the House a proposition which he held in his hand for their information. Mr. D. then read it as follows, viz :

"Resolved, That the present Military Establishment of the United States be continued, and the corps composing the same completed by enlistments for a term not exceeding three years, with authority to the President to forbear to raise, or to discharge after they shall be raised, such part thereof as future events shall in his judgment render consistent with the public safety, convenience, and economy."

After reading it, Mr. DAYTON remarked, that he had been unfriendly to a reduction of the Establishment when the subject was some time since under discussion, and that he had heard nothing since to induce him to alter that opinion; on the contrary, two communications from different quarters had since that time been received, which very much strengthened it. He alluded to a letter from General Wayne, which was communicated under

confidential instruction, but which was doubtless fresh in the recollection of every member of the Committee; and to a Report of the Secretary of War, made in consequence of a late request of the House directed to the President. The object which he had in view was the effectual protection of the frontiers, in a manner the least inconvenient and harassing to the Militia, and the most economical to the United States. There needed no proof that calls for the services of the militia were always attended with great embarrassment to our fellow-citizens who composed it, and with a waste of money which the other system would not occasion. Mr. D. wished to ascertain whether, in the present unsettled state of affairs, whilst Britain possessed our posts, and the Indians remained hostile, it was the sense of a majority that the Military Establishment ought to be reduced.

This produced a discussion, in which Mr. NICHOLAS, Mr. DAYTON, Mr. AMES, and Mr. MADISON, spoke. The latter gentleman seemed rather favorable to reducing than augmenting the number of troops in the service of the United States. He alluded to the report of the treaty said to be entered into between this country and Britain, from which it might be inferred that the Indian hostilities on the Northwest of the Ohio would slacken.

Mr. AMES, in reply to what had fallen from Mr. NICHOLAS, thought it would be bad economy to reduce the number of troops, which might tend to prolong the war. The latter gentleman having referred to the solicitude of Mr. AMES for paying off the Public Debt, which he considered as not quite consistent with his present desire of expending so much money on a Standing Army, Mr. AMES replied, that he believed the gentleman would be very much mortified to think that he possessed as little property as he [Mr. A.] did; that a report had been industriously circulated, as if the possession of public funds had an influence in that House on the votes of members; and this foolish calumny had been disseminated with so much industry as to have had an injurious effect on the minds of the public in some parts of the Union, and had much influence in serving the ends of some people.

Mr. SEDGWICK said, that it would be improper to diminish the preparations for war on account of any report afloat of a treaty with Britain; for if there was such a treaty, (which was not yet certain,) nothing could be counted upon it till ratified by the Government here.

The Committee rose, after disagreeing to the report. The Chairman reported progress, and the question being put, the House also disagreed to the report of the Committee.

Mr. DAYTON then read his resolution on this subject as given above, and which was made the order of the day for to-morrow.

TUESDAY, February 3.

A memorial of sundry manufacturers of paper, whose names are thereunto subscribed, was presented to the House and read, praying that so

FEBRUARY, 1795.]

Military Establishment.

[H. OF R]

much of the Revenue Laws of the United States as imposes a duty on rags imported from foreign countries may be repealed; or that such other measures may be adopted for encouraging the manufacture of paper within the United States as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be referred to Mr. GOODHUE, Mr. WATTS, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House resolved itself into a Committee of the Whole House on the bill to authorize the allowance of drawback on part of the cargo of the ship *Enterprise*; and, after some time spent therein, the Committee rose, and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Ordered, That the report of the committee to whom was re-committed the report of a committee on the report of the Secretary of War, respecting the fortifications of the United States, be committed to a Committee of the Whole House on Friday next.

The House resolved itself into a Committee of the Whole House on so much of the report of the committee appointed to inquire and report whether any, and what alterations ought to be made to the act imposing duties on snuff manufactured within the United States, as relates to an immediate alteration of the mode of collecting the duties on snuff manufactured within the United States; and, after some time spent therein, the Chairman reported a resolution, which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to prepare and bring in a bill to amend the act laying duties on manufactured snuff, and to alter the mode of imposing the said duties, by imposing the same on the mortar.

Ordered, That Mr. WILLIAM SMITH, Mr. NICHOLAS, Mr. SAMUEL SMITH, Mr. LYMAN, Mr. FINDLEY, Mr. FITZSIMONS, and Mr. MADISON, be appointed a committee, pursuant to the said resolution.

The House resolved itself into a Committee of the Whole House on the bill authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina; and, after some time spent therein, the Chairman reported an amendment, which was twice read, and agreed to by the House.

Ordered, That the said bill with the amendment, be engrossed, and read a third time.

MILITARY ESTABLISHMENT.

The House went into a Committee of the Whole on the Military Establishment of the United States, Mr. COBB in the Chair.

The resolution proposed by Mr. DAYTON was taken up, and Mr. GILES proposed, as an amendment, to strike out the word "three" from the resolution, which would then read "— years." Mr. G. introduced his amendment with some remarks, delivered in rather a low tone of voice.

Mr. S. SMITH had often been surprised at the way in which the Constitution was introduced into every subject. He never felt that surprise more sensibly than he did now. The member who spoke last had discovered that the raising of any army for the term of three years was disagreeable to the Constitution. He could not comprehend what Mr. GILES would be at. He was against a Standing Army; he was against a Militia. Mr. S. could not conceive what kind of support he would give the Government. Was he to depend solely on the virtue of the people? There were vicious characters in America, as well as elsewhere. Mr. S. asked if we are never to learn wisdom in military matters? When General Howe, with thirty thousand men, landed at Long-Island, the Americans raised a body of flying-camp men, who were to serve only for six months. The consequence was, that a great number of valuable citizens were just long enough in the service to be disgusted with it, but not long enough to learn the military exercise or imbibe military feelings. This short enlistment had a very bad effect. The same practice had been continued since that time, and had always produced mischief. Can there be any bad consequence of enlisting these men for three years, when we can have them at the same expense of bounty as if they were only for two years? Whenever a gentleman is at a loss for an argument, the Constitution is brought forward. The result would be, that when it was really useful to do so, the reference will be laughed at. There had been six-months men in the Army of St. Clair whose time was out, and who had left him just before his defeat. Men had been enlisted on so short a date, that their time was expired before they could be marched to the camp.

Mr. GILES.—The remarks of the gentleman last up are of so extraordinary a nature as to demand a reply. Mr. G. had not pointed out any obligation on the House by the Constitution to reject the term of three years. He never had been against a militia. [Mr. S. SMITH here said that the gentleman had said he was against any military force.] Mr. GILES denied the accuracy of his several quotations. He was a friend to a militia; he cleaved to a militia. How it came to be imagined that he would be against it, he was at a loss to conceive. There was a privilege in that House which Mr. G. would never give up to any man, and that was the privilege of speaking his opinion. He thought two years a long enough term; he should vote for it. If the men were wanted after that for a longer term, they could then be continued.

Mr. HARTLEY was for the longest term. It was a hard thing to call out the militia from their work. The supporting of the Army would be the shortest way to finish the war.

The amendment was negatived by the Committee.

The question on the resolution itself was next called for.

Mr. FINDLEY said, it was with some reluctance that he rose on this question. He knew that on former occasions his support to the measures for increasing and continuing the Western Army was

supposed to have been influenced by the situation of the Western counties of Pennsylvania. He hoped that when it was considered that the headquarters of the Army was near six hundred miles below Pittsburg, and that this was the nearest post; and when it was also considered that the Indians of the Sandusky, who harassed the frontiers of Pennsylvania and Virginia, had not been made an object of offensive operations, he hoped it would be believed that he was not influenced in his opinion on this question by his local situation. He went into a retrospect. The first offensive operation (General Harmar's expedition) was evidently undertaken without a competent knowledge of the strength and temper of the Indians, or of the influence by which they were supported; consequently it increased the war. The expedition of General St. Clair was also provided for on the same mistaken policy; it was likewise unfortunate, and the Indians became more formidable by greater combinations. These inadequate provisions for the Indian war cost much money, and protracted the war. These losses can be reimbursed, but the abundant loss of human blood cannot be recovered or compensated; and these losses are justly chargeable to the want of competent force and short enlistments. When the present Army was directed to be organized, the number of troops as prescribed by the law and the time of service were competent, but the encouragement was inadequate. Mr. F. saw the consequences of this defect at the time, and endeavored to have the wages raised; but, though the House of Representatives had voted to increase the encouragement to the Army at different times, it failed in the Senate. The consequence was, that the number prescribed by law was never completed. But, though we had no more troops than the gentlemen have mentioned, that circumstance does not prove that the force was adequate. The reverse is rendered evident by undeniable facts. It is a fact, that the defence of the frontiers could not be combined with offensive operations, as was originally intended; nor was the Army fit to carry on the limited operations without a very expensive aid of the militia. This aid was not only necessary to assist in the most advanced and important operations, but even to guard the escorts of provisions. The attack made upon Major Adair with mounted volunteers, which was attended with the loss of lives, and of horses and stores, cannot be forgotten. The attack of the escort with wagons and stores on the road, and the loss of several brave officers and privates, and also the more formidable attack upon an advanced post, when, though the post was supported, the cattle and stores were taken to a great amount, and the lives of many of our valuable citizens lost, were all chargeable to the smallness of our force. But it is said that our future prospects have changed the situation of our affairs so much, as to render a smaller force competent to the object. What is this change? General Wayne has gained one victory, but is this a conquest? Or has it obtained a peace? No. It is far otherwise. The Indians do not sue for peace, notwithstanding all our pacific endeavors to induce them to it; and emissaries, rendered active by their

personal prejudices against us, even if they had no superior inducement, are as active in irritating the Indians as ever. The prospect of a treaty seemed to be considered as an essential change of situation; but supposing the reports of this to be well founded, it certainly was not yet confirmed on our part. We did not even know the terms; but, from what appeared, the relinquishment of the posts was to be suspended for a considerable time, and for the accomplishment of this we had only a promise in the treaty, and we had this before. However, he hoped this desirable object would be accomplished, but he could not extend his hopes beyond his confidence; and he acknowledged that his confidence was not perfect, but did not choose to explain his reasons; he thought it was not necessary. Pretences we knew could easily be found to evade the fulfilment of a treaty. He said that many arguments might be adduced to prove the propriety of completing the Army which it was not convenient to explain. Certainly it will not be pretended that the Southwestern Territory, or even Georgia, do not stand in need of more efficient assistance, or that these States would not have been better protected if the Army had been completed. He apprehended that the conduct and temper of the Southern Indians did not justify us in lessening our force. He hoped that further offensive operations against the Western Indians might not be necessary, but he thought that depended on possessing a sufficient force either for the defence of the posts, or offensive operations, as occasion might require.

Mr. DAYTON said, that the gentleman had laid down wrong premises, and thence it was no wonder if he had made wrong conclusions. He had said there was a chain of garrisons from the Ohio to the Lakes. Now, (said Mr. D.,) there is no such chain. He said that the present Army had done the business. Now, (said Mr. D.,) the Army alone did not do the business. There were 1800 mounted volunteers from Kentucky, four or five hundred militia in Georgia, and several independent companies in Pennsylvania; so that altogether the militia were as numerous as the regular Army. The gentleman asks the object of members who advocate this resolution. It was expressed yesterday. The object is, an economical, effectual defence of the frontiers.

Mr. MADISON, after all that had been said, was still of opinion that there had been a change in our situation, and so there might be a possibility that a reduction was proper. By the arrangements made in this session, it might be practicable to reduce the numbers, nominally, and yet have a real augmentation, because the new regulations would actually bring more men into the field.

Mr. SCOTT said, that the way to finish the war was to make it continue offensive, and pursue the Indians from one place to another, and let them know they should have no rest till they sued for peace. To reduce the forces back to a defensive war would be to have an eternal war, and be the most ruinous thing imaginable. There could not be a more wretched policy, in his opinion. The rumor of an intended reduction would induce other

FEBRUARY, 1795.]

Military Establishment.

[H. OF R.]

tribes to join those already at war with us. The British, who had blown the coal, who had done every thing in their power to excite the Indians to hostilities, would do so still. It should be remembered, that though the Indians had been defeated by General Wayne, the House were in possession of private information, that the British had attempted to rally them for another attack; and though British influence had failed for one time, there was no assurance that it would always fail. A great deal had been said about a change in circumstances: Mr. S. thought them changed for the worse. The ground only had been changed. He was for keeping up the Army at its full force. The mounted volunteers from Kentucky had cost as much to the public in four months as an equal number of regular troops did in twelve months. It would give Mr. S. the greatest pain if the resolution on the table miscarried.

Mr. FINDLEY explained the protection which he had said should be afforded to the frontiers, not to consist in scouting parties dispersed all over the frontier. He believed that the militia were fittest for this purpose. He only meant that the force should be such as to overawe the Indians where they were most formidable, and to carry out offensive operations when it was necessary. With respect to the amount of force necessary for the defence of the chain of posts and other necessary purposes, want of competent knowledge rendered a variety of opinions unavoidable. In cases where he was himself a competent judge, he was always against asking for or leaning on the opinion of the Executive. If the question was about the wages of the Army, he thought he was a competent judge; but with respect to the number of troops necessary for objects which actually existed, or probably might exist, he thought himself in a degree incompetent. He said, if he was a General to command an Army, he would not undertake it unless he judged the force competent; that the Executive, in the present instance, appeared to him in the same point of view, and would not be responsible for the consequences, if the force judged adequate was not granted. In point of expense or convenience, he thought little would be gained by the proposed reduction. It would not lessen the number of Generals, or of the Staff, nor of the stores and equipments of the Army, but only the pay of the number of officers and privates, which would be an inconsiderable saving compared with the danger of wanting a sufficient force. He knew the PRESIDENT was not hasty in filling the vacancies of officers where the privates were wanting; therefore, if privates could not be got, officers would not be unnecessarily appointed. He contemplated a day, not far hence, when, in making a Peace Establishment, a beneficial selection would be made of the best officers for that service; that if the Army was reduced now, and a selection of officers made for the remaining regiment, under the impression of another discrimination shortly to take place, it would probably produce fatal discontents in the Army. This, he thought, ought to be avoided, unless it became absolutely necessary.

Mr. RUTHERFORD said, that the American peo-

ple had an insuperable aversion to regular military service. He did not mean, that when there was occasion for it, they were unwilling to fight, but that they were averse to entering into regular service for a term of years. It was next to impossible to keep men who enlisted from deserting: they always ran away from their officers. He did not by this mean to cast any reflection on the Army; he had long been a military man himself, and that from a very early period, and had the highest respect for the profession. He was understood to be unfavorable to the resolution.

Mr. HULLHOUSE thought that it would be the most unfortunate thing imaginable, if any idea were to get abroad that there was to be a reduction of the force. Even though there should be none in reality, yet the appearance of a reduction might be mistaken, and produce a wrong construction. He had no scruple in leaving the affair of dismissing the troops, when no longer wanted, to the discretion of the Executive.

Mr. CARNES said, Georgia and the Southwestern Territory have a frontier of at least eight hundred miles in extent. The number of troops proposed in the resolution is entirely inadequate to the defence of this frontier in general. We have had regulars in Georgia for several years, without the State receiving any benefit whatever from them. There is an antipathy between them and the regulars. At Fort Mattocks, (this was either the name, or a sound very like it,) an officer was applied to for a family near that post, and whom the Indians were preparing to murder. He answered, that he had been directed by his superiors to defend the ground which he stood upon. He accordingly called in his men, and suffered the people to be murdered. For six or seven years we have been giving the Creeks presents, and this always makes them come back again, as soon as their presents are disposed of, in order to commit fresh murders; and this always will be the case. He urged a declaration of war against them as the only way to reduce them to reason. He appealed to gentlemen, if the neglect shown by Government to the safety of the Southwestern frontier did not amount almost to a disgrace upon Government. The people had published the account of their sufferings in the newspapers, in the hopes that they would reach Congress, and induce them to do something, but all in vain. The number of troops proposed, said Mr. C., is not by one-twentieth part equal to the defence of your frontier. It had been said on this floor, that the troops were sent to the frontier of Georgia to protect the Indians against the white people, and it was the constant theme that the latter were always wronging the Indians. There was no evidence of this at all; and as there could be none, Mr. C. hoped that gentlemen would become more cautious in making such assertions. They do not care what kind of parade you make on your own side of the line, even with an hundred thousand men, if you please. They have said so. They know that declarations have been made of the garrisons being sent to protect them against the whites, and as long as they think so, there will never be any peace. You may give

them presents, and make treaties with them, as long as you please. It is time to give a decided stroke instead of such trifling. Experience is the best tutor that we can apply to; and if we look back for six years, we shall find that the system of making presents has answered no good purpose. As to the charge of making encroachments on the Indians, Mr. C. knew only of two or three notorious characters at the most in Georgia, and these were mostly traders. People in general were perfectly disposed to peace. If fire and sword were once or twice carried into the Indian towns, and an assurance given that this would always be the case in future, when any murders were committed, they would soon learn to be quiet.

Mr. MURRAY would not believe this enormous story of an American officer permitting a family to be butchered before his eyes, unless Mr. C. would say, he had seen it himself. As to the militia of Georgia, six hundred of them had once been taken out in pursuit of a party of Indians, and, after coming on their trail, refused to go farther, and went home again. From this, Mr. M. inferred the necessity of having regular troops in the State to protect it.

Mr. CARNES rose again. He said that the story was true. He was not present, but he had it from an acquaintance in the militia, on whose veracity he could entirely depend. He could produce five or six affidavits on the affair. As to the men who returned from the Indian trail, the case was this. The Governor had entered into a correspondence with the Executive at Philadelphia, and it having been understood that the marching of the militia would be disagreeable to him, they were recalled on their way to the Indian country.

Mr. S. SMITH said the commanding officer in Georgia was a particular friend of his; and the observations of Mr. CARNES had struck deeply at the character of that officer. If any officer had really acted so, he ought to have been disgraced. Mr. S. gave a high character of the commander in Georgia, Major Geater, and read a letter from that gentleman, which tended to refute the assertions of Mr. CARNES, made the last session, relative to the defenceless state of the frontier. The Major said that the member from Georgia had certainly forgotten many things that he said in Congress, as well as many promises which he made when in Georgia. Mr. S. said that Mr. CARNES had certainly not foreseen the consequences of such a charge. The Major is liable to punishment. In his letter, he says, in contradiction to what Mr. CARNES asserts, that the Indians, for nine months past, have been remarkably peaceable, and not a horse has been stolen since the month of May. Mr. S. designed to have shown the letter to Mr. CARNES himself, and not to have made it public, but the precipitation with which the gentleman had advanced his charge, forced Mr. S. to produce it in defence of an absent and much respected friend.

Mr. CARNES had as high a respect for Major Geater as the gentleman himself, was well acquainted with him, and on amicable terms. He had also a very high opinion of the officers, and

never had designed to make an attack on their characters. He considered them as gentlemen who knew how to act with propriety on almost every occasion, perhaps upon all occasions. He inquired the date of the letter now produced. Mr. SMITH replied that it was dated the 1st of January last. Mr. C. said, that when he went to Georgia, at the rising of the last session, he found that Major Geater had, from misapprehending him, taken amiss something which he had said on that floor. He gave him an explanation, and the Major seemed satisfied. He had not the least idea of injuring the reputation of officers. He did not carry that kind of malevolence about him. But he had a right to state what he knew to be facts; and for one, that of the massacre of a family, though they were so near the fort, that he believed the garrison might have seen the smoke of their chimneys. He did not, however, say that the officer in the fort was to blame. He might have potent reasons for what he did, though Mr. C. did not know them, and had, on that account, been cautious of saying any thing more than merely stating the fact, and this he apprehended that he was entitled to do. It was not at the conduct of particular persons that Mr. C. levelled his observations, but at the feeble defensive system which they were enjoined to pursue. He concluded by declaring, that he had a high opinion of Major Geater, and his conduct must have been misrepresented to that gentleman since they were last together, or he would not have written the letter in question.

The question was now called for and taken, and the resolution was agreed to, as follows:

Resolved, That the present Military Establishment of the United States ought to be continued, and the corps composing the same completed by enlistments, for a term not exceeding three years, with authority to the PRESIDENT to forbear to raise, or to discharge after they shall be raised, such part thereof, as future events may, in his judgment, render consistent with public safety, convenience, and economy.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. DAYTON, Mr. SAMUEL SMITH, and Mr. JEREMIAH WADSWORTH, do prepare and bring in the same.

WEDNESDAY, February 4.

An engrossed bill to authorize the allowance of drawback on part of the cargo of the ship *Enterprize* was read the third time, and passed.

Mr. SHERBURN, from the committee to whom was re-committed the report of the committee on the bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill relative to the compensation of certain officers employed in the collection of the duties of impost and tonnage; and,

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

after some time spent therein, the Committee rose and reported several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before Congress, for their consideration, a Letter from the Secretary of State, upon the subject of Loans, which is extremely interesting and urgent.

G. WASHINGTON.

UNITED STATES, February 4, 1795.

The said Message and Letter were read, and referred to Mr. SEDGWICK, Mr. MADISON, Mr. BALDWIN, Mr. WILLIAM SMITH, and Mr. GILES, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House, on motion of Mr. HEATH, went into a Committee of the Whole on the report of the select committee as to the progress made in settling the accounts of balances due to the old Government. This was accordingly done, Mr. COBB in the Chair. The report was read.

The first resolution in the report was, that further and more adequate provision ought to be made for recovering of debts due to the United States.

Mr. HEATH was in favor of the resolution.

Mr. SEDGWICK thought any new regulations superfluous, as every precaution had been taken that could be taken.

Mr. WADSWORTH, in the discussion of this report, said, that he had got his own accounts with the United States settled, and to be sure it was much better that the thing was done, but he would not go through such a business again for twenty times the balance that he recovered. Many people had in despair given up the attempt.

The resolutions were agreed to with amendments, and reported to the House. The galleries were then, at half past one o'clock, ordered to be cleared for reading of the communications from the PRESIDENT.

THURSDAY, February 5.

An engrossed bill relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage was read the third time, and passed.

A memorial of Oliver and Thompson, of the town of Baltimore, in the State of Maryland, merchants, was presented to the House and read, praying that certain errors, made to the injury of the memorialists, in the payment of the duties on fifteen boxes of Irish linens and thirty pipes of Madeira wine, imported into the United States, in the years 1791 and 1792, may be rectified.

Ordered, That the said memorial be referred to Mr. SAMUEL SMITH, Mr. HILLHOUSE, and Mr. WINGATE; that they do examine the matter there-

of, and report the same, with their opinion thereupon, to the House.

Mr. TRACY, from the Committee of Claims, to whom was referred the petition of George Gibbs, made a report; which was read. Whereupon,

Resolved, That the Collector for the port of Newport, in the State of Rhode Island, be, and he hereby is, authorized to allow to George Gibbs the legal drawback on certain wines, by him exported, in the month of December, 1790, in the ship Warren, to Calcutta: *Provided*, that the said George Gibbs shall produce all the other testimony (excepting the oath of the mate) required respecting drawbacks, by an act passed the 4th of August, 1790.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that the Committee of Claims do prepare and bring in the same.

Ordered, That a committee be appointed to prepare and bring in a bill for continuing in force, for a limited time, an act passed the 3d of April, 1794, entitled "An act transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensioners, to the Attorney of the said District."

And a committee was appointed, of Mr. JEREMIAH SMITH, Mr. THATCHER, and Mr. PELEG WADSWORTH.

A memorial of the sugar refiners in the town of Baltimore, in the State of Maryland, was presented to the House and read, praying a revision of the excise laws of the United States, and that so much of the act passed at the last session of Congress, entitled "An act laying certain duties upon snuff and refined sugar," as imposes a duty on sugar refined within the United States, may be repealed.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

PUBLIC DEBT.

It was moved and seconded that the House should resolve itself into a Committee of the Whole, on the report of the committee on reducing the National Debt, which was done accordingly, Mr. COBB in the Chair. The resolution was then read.

Mr. S. SMITH said, that he had not recollected before the House resolved itself, that he had in his pocket an address and remonstrance from the sugar refiners of Baltimore to submit to them. The Committee, on this account, rose. The address was then presented and read by the Clerk. It stated, in pointed terms, the oppressive effects attending the excise on refined sugar. When the address had been read, the Committee was resumed.

When this second resolution was last before Committee, Mr. S. SMITH had moved to strike the resolution out of the report.

Mr. FITZSIMONS believed that there had only been two of the taxes contained in the resolution complained of, viz: those on snuff and refined sugar. The auctioneers complained not of the tax, but wanted some particulars altered. This might be done, and it would be more candid to confine the motion merely to those parts of the resolution which had caused complaint.

Mr. HEISTER said, that, in Pennsylvania, the tax on auctioneers had never, as he understood, been carried into execution. He was for dividing immediately on the motion as it stood.

Mr. HILLHOUSE was also for a division on the question.

Mr. S. SMITH was anxious that the nature and extent of his motion might be understood. He had moved for striking out these taxes for the present, not to prevent the execution, but to suspend for the present the prolongation of an act which would expire in the end of the session of 1797. The taxes were confessedly experimental, and another year would enable the next Congress to decide much better whether they ought to be continued, than could be done at present. He hoped, therefore, that gentlemen would not mistake this motion, as if it went to an absolute negative of these taxes, when it was only temporary and conditional.

Mr. PAGE was likewise for striking out the clause. If good, at the end of the former term it could be renewed. But let the experiment be made.

Mr. SEDGWICK.—Mr. Chairman, the principal question involved in that before the Committee is, shall permanent provision be made for the reduction of the Public Debt? As subordinate to this, is it necessary that the taxes laid last session, on loaf sugar, snuff, carriages, licences for retailing spirituous liquors and sales at auction, should be continued? The great subject, then, of providing the means of reducing the Debt, is necessarily involved in the discussion. If it shall appear to be the duty of the Legislature to establish an efficient system for this purpose, and if it shall be demonstrated that these taxes are indispensable for that end, it will follow, that the resolution for their continuance should not be struck out until an adequate substitute is proposed.

When we take a retrospective view of the various stages through which the mass of Debt had passed previous to the Funding System; the extreme difficulty there was in executing that business; the agitations which attended it; the jealousies, suspicions, and animosities, which have resulted from it; when we call to mind the disunion and party which have flowed from this source; when we reflect on the magnitude of our Debt; and when we know how anxious our constituents are to have it put in a train of reduction, we must conclude, that we ought assiduously to seek the means of effecting it.

The history of Public Debts is a very curious and instructive one. The facility with which they are increased, and the difficulty of reducing them, should form an useful lesson for American legislators.

When we compare our own Debt with the

more enormous ones of some other countries, we are apt to console ourselves with its comparative smallness. I had intended to have given the history of the rise and progress of the British Debts, but when I reflect that it is a subject which is known to every gentleman, and must have been considered by them, I dare not trespass on the patience of the Committee. I will only take the liberty to observe, that, in the year 1697, when there were more anxious forebodings of ruin from that source than perhaps at any period since, the Debt of that country was comparatively less than ours is now. Had the Government then, in earnest, attempted a reduction, it might have been effectually done, with less annual revenue than is now required, in time of peace, for their ordinary expenditure.

Whenever a provision for the Public Credit shall be beyond the public faculties, confusion and ruin must be the consequence. That cause has destroyed the strongest Government in Europe. This we all hope will prove a blessing. The same event here would blast the best hopes of the lovers of mankind.

Among all the causes which have operated to prevent the reduction of Public Debts, none has been more influential than that of diverting revenues appropriated to that purpose to other objects. If our appropriations, of this kind, shall be violated, we may despair of our country being ever discharged of its load of Debts. To secure us against this evil, provision must be made, concomitantly with a Sinking Fund, for the other necessary expenses of Government, and also an allowance made for those unforeseen and contingent demands which cannot be computed, but which will always occur. Otherwise, we may be assured, unless America is to be exempted from the evils which have afflicted other countries, that our intention, however patriotic, will be defeated by a diversion of our permanent appropriations to temporary purposes. Our legislators may feel interested in the continuance of the Debt; they may want energy of character; they may be indolent; they may meanly dread a loss of popularity, from imposing necessary burdens, or all these may combine to form a precedent, which, when once established, we may bid adieu to hope.

This debate, if not productive of the effects originally designed, will certainly disclose to our constituents many things important, at least useful to be known. I most ardently hope that my wishes and expectations may not be disappointed, that no man observing on a contradiction of character and conduct, may justly use language such as this: Strange to behold! We see the men who have been represented as the friends of aristocracy, the men who had erected a Debt as the means, who rendered it irredeemable, that it might be perpetuated as the instrument of power and influence; these men we see striving, with all their might, and straining every nerve, for the adoption of an efficient system, for the gradual reduction and ultimate destruction of this monster of iniquity; while, on the other hand, not less unexpected, we perceive the friends of the people,

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

as they have called themselves, the men who had fairly discovered that every political evil was stalking in the background of the frightful picture, which they had made of the Funding System; these men we behold, formed in solid columns, to defend this hateful spectre against the assaults of the knights of the Funding System.

The man who, twelve months since, would have dared to prophecy that a trifling tax on loaf sugar, snuff, and carriages, would have been put in competition with a reduction of our debts, would, without hesitation, have been pronounced either contemptibly weak or detestably wicked.

I did not think, at the commencement of our deliberations, it could have been necessary to have urged reasons for the reduction of the Debt. But the debate has taken a turn so new and unexpected, that I will take the liberty of stating some of the reasons which have struck my mind with the greatest force, why we should honestly unite in the attempt. Some of those reasons are general, and apply to all Governments; some are more peculiarly applicable to the circumstances of this country.

1st. A Debt, as an embarrassment to the faculties of a country, is an evil. To this there are, at some times, and in some countries, causes which counteract this evil, perhaps, in some instances, overbalance it; but I am confident those causes do not here operate to an extent which should induce us, for a moment, to suspend our efforts to reduce the Debt.

2d. A very cogent reason, and one which will influence every true patriot is, that our Debt has been made a principal and ostensibly almost the only source of party. No man, then, who wishes a union of councils, a fraternity of sentiments, will seek for plausible reasons to defeat this important measure.

3d. The experience of other countries has demonstrated a general disinclination in Governments to liberate the pledged funds of the community. Every extraordinary demand accumulates, of course, the Debt, and in the end must prove ruinous. It will be vain for us to profess ourselves the friends of Republican Government, and admirers of our political institutions, if we are not, by the examples of others, warned against this evil.

4th. A great portion of our Debt is owned by foreigners, and from the value of capital here, compared with other countries, we have reason to fear the evil will increase. It must be unnecessary to dwell on the impoverishing effects of a continued drain of specie from the community.

5th. The proposed measure will, in my opinion, beyond any expedient which could be devised, tend to fix the market price of our six per cent. stock at par. This would make that species of Debt less a subject, and more an instrument of commerce; and instead of acquiring it would supply the place of capital; and it would also enable the Government to employ beneficially our surplus of revenues in purchases in the market.

6th. There are considerations peculiarly weighty at the present moment, which should stimulate us

to the attempt to unshackle our faculties by a diminution of the Debt. Because, whatever our exigencies may be, we may be compelled to rely on our ordinary resources, without much aid from borrowing; for, from the smallness and value of capital here, we ought not to rely on domestic Loans; and the uncertain issue of the troubles in Europe, would prove it madness to depend on foreign aid.

7th. We ought to prepare to face the Deferred Debt; that we may not at once be compelled to impose too great an additional burden on our constituents. The Deferred Debt, when the whole shall be taken in, will probably amount to about 15,000,000 of dollars, and the annual interest to about 900,000. This is no trifling sum.

I suppose I shall be told that this reasoning is quite superfluous, that all will concur in an intention of creating an efficient Sinking Fund. We are indeed told, "be ye fed and be ye clothed," but I ask where are the food and raiment? We will appropriate, but where are the funds? A permanent provision by temporary or periodical grants is in itself a contradiction. For a Government to appropriate money without funds, is fallacious and absurd.

It is proposed by gentlemen with whom I have the honor to concur, to create a fund adequate to the payment of eight per cent. on the six per cent. Debts; to pay, as they accrue, the instalments of foreign Debt and of the Loan made of the Bank; to provide the means of speedily discharging the Loan of a million of dollars, authorized the last session for the purpose of foreign intercourse, and to aid the present Sinking Fund, if in our power, by applying annually all the surplus of revenues beyond our annual wants.

On the other hand, in all the calculations made by gentlemen opposed to continuing the taxes laid the last session, reference has been had only to the eight per cent. redeemable by the terms of the contract. The first observation which occurs here is, that if gentlemen do not wish to exert the public faculties beyond that point, there seems to exist no foundation for the complaint so loudly and so often repeated of the irredeemability of the Debt. For how can a prohibition to do a thing, which you have no inclination to perform, be considered as a grievance?

In these calculations, no allowance whatever is made for those unforeseen events to which all human affairs are liable. I will, at least for the present, waive this objection. I put out of the question the omission of the Foreign Debt, of that due to the Bank, and of the Loan which I have mentioned. I will, too, suppose the calculations to be just. We shall then be furnished with the means of paying \$600,000, commencing the first payment the beginning of the next year. We shall then have made five annual payments before we are to meet the demand accruing from the Deferred Debt. This will amount to \$3,000,000; and we shall, of course, have liberated an annuity equal to \$180,000. This will not, however, enable us to face that additional demand; for I have already shown, that the annual interest of that will amount

H. OF R.]

Public Debt.

[FEBRUARY, 1795.]

to about \$900,000. So far, then, at that time, from being in a capacity to continue the operation of the Sinking Fund, additional taxes will be indispensably necessary to enable you to fulfil the public engagements.

Will gentlemen permit me to request them to compare the benefit to be expected from a reduction of the Debt, with the inconvenience of continuing the proposed taxes? Respecting the first, I believe it to be the greatest benefit the Legislature can confer on their constituents. It is, of course, the first duty which they owe them, and the thing, by them, of all others most desired. It is not, however, I agree, to be effected by taxes unequal and oppressive. The subjects of the taxes are principally, all must allow, articles of luxury. The taxes are certain, cheap in the collection, and do not increase the number of officers. There will be no distress of individuals in enforcing the collection, nor are any of the means used made use of for that purpose hostile to liberty. These circumstances seem to recommend them to the favorable attention of the Legislature. Yet to these taxes objections are made, as there certainly would be to any other, where self-interest is immediately concerned.

There is a very obvious reason why the manufactures of sugar are better defended than those of snuff and the other taxes. It is said, "that the tax on loaf sugar has not as yet the test of experience." This is equally true of every other species of tax which may be substituted, except only direct taxes, of which I shall say a few words before I sit down. "It is an American manufacture," it is true; but it is also true that the manufacture is so protected that the manufacturer has a complete monopoly; and, of course, if there is any truth in political calculations, the consumer must pay the tax. It is also true that, if you continue the protecting duties, and do not continue the tax, you give to the manufacturer a bounty equal to those duties, which, to the same amount, is a charge on the community. If you do not continue the protecting duties there is, of course, a further defalcation of revenue. "The tax will prevent the use of the article." Is there a man in the least degree acquainted with the subject who can for a moment believe that two cents a pound on loaf sugar can, in a single instance, affect the consumption. But, to conclude: It is said, "that the tax has already injured the manufacturer." I am willing to admit that, at the commencement and termination of every tax on a manufacture, and, perhaps on any other specific article, some inconvenience and embarrassment will be experienced, which will, however, by its continuance, as certainly be overcome as that an unagitated fluid will find its level.

But let it be granted that neither sugar, snuff, nor carriages, may, on experience, appear to be proper subjects of taxation; it cannot be a conclusive objection against the measure, for, by the terms of the resolution, these taxes are subject to repeal by the substitution of others; and, whenever the meditated evils shall appear, the Legislature will apply the remedy.

It is said to be an illiberal and unfounded jealousy to suspect gentlemen of insincerity. I mean not to make the charge. Let facts, however, speak for themselves. Have the gentlemen in the Opposition, however clamorous against others, ever proposed a system of their own? Do they now offer any substitute? Till the session before the last we neither sufficiently knew the wants nor the resources of our country to make an experiment. The House was then necessarily diverted from the consideration of a plan before them by the intervention of a subject equally interesting to the quiet of the community and to the reputation of a very meritorious officer. All remember the interesting subjects which exclusively occupied the attention of the Legislature at the last session.

The subject is now introduced. There was every reason to expect a united exertion for the accomplishment of this desirable object. Honor and character, independently of patriotism, it was foreseen would give union and energy to the friends of the Funding System. It was hoped that other motives would not be less operative with those who were its enemies. It is now said, "this is not the proper time, the business may as well be done at the next session." I ask gentlemen why not as well at the present? If honor, the good wishes and blessings of the people, will attend the authors of the measure, I invite gentlemen to accept them. If toils are to await the execution, I beseech them to encounter the honorable task. Why leave the glory to our successors? May not they, for the same reason, leave it to theirs? This disposition for postponement and leaving till "to-morrow, and to-morrow, and to-morrow," things which might as well be done to-day, has been the cause why public debts have been ruinously entailed on other countries.

It is said that loaf sugar, snuff, carriages, &c., are not proper subjects? What, then, shall we substitute? It is said "direct taxes." Have they not already been tried and rejected? Have not these been approved for purposes not more important than those now proposed? Is there not an evidence of insincerity in proposing rejected taxes as a substitute for those which have been adopted? Does not every gentleman know that the proposed substitute is inadmissible? But, if gentlemen are in earnest, why bring they not forward their proposed scheme of direct taxes as the means of reducing the Debt? If the Debt is what they have constantly represented it, is it not a duty incumbent on them equally with their brethren to attempt its reduction?

A gentleman [Mr. FINDLEY] has said, that, by the act imposing the temporary taxes, the faith of Government is pledged against their being continued. Why, then, continue the additional impost, to which he has assented, which was equally temporary in its creation? But can the gentleman be serious in this? Does the imposition of a land tax one year pledge the faith of the Government that it shall not be continued the next? I have understood this gentleman to say that such taxes as those under consideration were to be

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

made temporary by way of experiment. But the gentleman has discovered that the Government can derive no benefit from the experiment without a violation of its faith. This consequence then follows, that no article of manufacture, no specific article, can be rendered a source of permanent revenue. This at least is a new discovery.

One gentleman [Mr. McDOWELL] has proposed another substitute, taxing the Debt itself. I will, in answer to this, only observe, that this would be indeed a Sinking Fund.

I cannot help observing what has been often repeated here, that the Government ought not to repose itself on imposts and tonnage alone, because it is a resource which war would annihilate, and because it is putting the patriotism of the merchant to too severe a trial.

The arrangement of our Treasury Departments, to my mind, evinces great wisdom and political discernment. It is thereby not only competent to the Secretary, but made his duty, from time to time, to report "plans" for the improvement of the revenue and the orderly administration of the finances. That officer, in the discharge of this important duty, has laid before the Legislature an able and comprehensive system, embracing the particular subject now before us.

The statement which he exhibits respecting the revenue, does not, as others with which we have been favored do, entirely omit the important articles of foreign debt, that due to the Bank of the United States, and the considerable loan, authorized by the act of the last session, of \$1,000,000, for purposes of foreign intercourse. To leave the two first items unprovided for would at once sacrifice the national interest and violate the public faith.

To leave the last without effectual means of speedy payment, would be, in time of peace and unexampled prosperity, to increase the National Debt. The palpable omissions and mistakes which have been made in all our calculations, should induce us to hesitate whether more respect is not due than has lately been paid to official information and responsibility.

I have very great confidence in the gentleman who was at the head of the Treasury Department. His talents are acknowledged by all; his integrity is, I believe, incorruptible, and his industry indefatigable. Hitherto, he has never deceived us, and he can now have no possible motive to do it. Added to these considerations, he is responsible, not only in this country, but abroad, by his reputation and well-earned fame, dearer than life, not to mislead; and, besides, he has the best means of accurate calculation; and, what I suppose will be allowed as an additional reason for confidence, is, that he is not now devising means of official or personal power and influence, being, at the time he made his report, about to retire voluntarily and to mix with the mass of the people. If, on the one hand, however, it will not be exacted of any to receive conclusively the statements and deductions of the Secretary, on the other, candor will compel those who reject, to disprove them. For myself, I shall assume it

as a fact that his statements are just, and afford the only means of accurate calculation.

To secure the important purposes of reducing our debts, preserving inviolably the public engagements, and providing the means of facing the Deferred Debt, without being compelled to extraordinary exertions at that time, it will, according to the Secretary's report, be necessary to continue all the existing taxes. The surplus beyond the known objects acknowledged as necessary to be provided for, amounts to no more (speaking in round numbers) than \$140,000—a sum certainly not too large to answer those contingent and unforeseen demands for which all Governments, in establishing permanent systems of this kind, ought to provide.

As the Secretary proposes the taxes of last session shall be appropriated to temporary purposes, it may be asked, why they should now be continued until the year 1801? To this I answer, 1st. Because we have now evidence that they will, according to the existing state of things, be necessary. 2d. Because that, unless temporary objects of necessary expense are provided for, there will be danger that the permanent appropriations will be violated. 3d. Because a conflict of interests, passions, and theories, renders it, as our experience has demonstrated, extremely laborious and difficult to impose any tax, and, from its prolonging the session of the Legislature, expensive to our constituents. And, 4th. Because, as upon another occasion, I have undertaken to show there are real embarrassments at the commencement and termination of all taxes on specific articles, which are overcome by their continuance. To this it may be added, that should it fortunately happen that we should not be able to lessen our expenses, we shall, in the same proportion, reduce our Debt. This, I hope, no man will consider as an evil.

Mr. LYMAN objected to the gentleman who was last up, speaking as if the report before the Committee was the peculiar property of himself and a part of the members. The report and estimates were made at the desire of the whole House. He stated a variety of objections which had been made to the taxes specified in the resolution, and to go to discontinue them now, before their effects were thoroughly known, would, in his opinion, be highly improper. Among other observations that had been used on this subject, he objected to the expression that voting or refusing to vote for the immediate continuance of these taxes, would be a test of character.

Mr. NICHOLAS said, that he would state what the question really is. For two years longer you have these taxes to do every thing with which the gentleman proposes. Where, then, is the necessity, where is the propriety, of continuing them just now? The gentlemen from Virginia who are opposed to this clause, act from the most disinterested motives. No country depends more upon importation than theirs, and yet they never complained of imposts. They complain not of taxes the most burdensome to themselves. The reason why the refiners of sugar complain is because they say the tax oppresses them; and the sole

H. OF R.]

Public Debt.

[FEBRUARY, 1795.]

reason why gentlemen support this opposition is, because they are of opinion that the complaint of the manufacturers is well founded. It was a ridiculous inference to allege that the Virginians are averse to taxation. Mr. N. was informed that the British never had imposed any tax of this nature on the refining of sugar. Mr. N. had no concern with the taxes of snuff and sugar personally, for, of the one, he took very little, and of the other none at all. As to the auction tax, it never had been brought to operate in Virginia. No person qualified in consequence of the act of last session. A great part of the speech of Mr. N. consisted of calculations on the present state of the finances.

Mr. GILES observed, that a bystander would imagine that there was a proposal for repealing a tax. There is no such thing. It is merely against the present continuance of an old one, after the term for which it was voted, and of which two years are yet unexpired. With all this warmth and agitation, if we vote in the affirmative, we shall not add one cent to the existing revenue of the Union; and, if we vote in the negative, we shall not take one cent from that revenue. But if you once include the taxes before the Committee in a perpetual system of taxes, you give to the Senate exactly the same power which you now have of negating an appeal, and the President also has a second negative; so that each of these two branches of the Legislature receives equal power with yourselves, for both can negative a repeal. Mr. G. said, that to one of the taxes in the resolution he had an objection, though he believed it one of the least unpopular of the whole. This was the tax on carriages. He had always been against it. Gentlemen had spoken of calling into exertion the great revenue faculties of this country. He could not imagine that a few petty excises were to be called the great revenue faculties, nor did he ever think that such taxes would promote the reduction of the Public Debt. Some great and general effort must be made. He thought that the present question might have been contracted into a very narrow compass, and that there had been no occasion for so many diffusive remarks on it.

Mr. W. SMITH observed, that though the two principal objections to the report, when last under consideration, were quite opposite in their nature; yet, that it was less difficult to answer them both, than to reconcile them with each other. The gentleman from Maryland [Mr. SMITH] was opposed to the continuance of the new taxes, among other reasons, for the following: that there would be sufficient revenue to answer the purposes contemplated by the plan without those taxes; whereas, the gentleman from Virginia [Mr. MADISON] was opposed to them, because they would produce but a paltry sum, totally inadequate to the great object of the reduction of the Debt. Leaving it to the gentlemen to reconcile this variance, he would endeavor to satisfy the Committee that both the objections were groundless.

With respect to the first, a reference to the report would show the gentleman from Maryland,

that the plan therein submitted contemplated two objects, the redemption of the Debt by payment of six hundred thousand dollars annually, being the sum redeemable at present, and the purchase of the Debt when not above par—to effect this, the report suggested two propositions, one to appropriate permanently sufficient revenues for the annual redemption; the other, to appropriate the annual surplusses of revenue to occasional purchases. These points, Mr. S. said, he had fully noticed on a former occasion, when he had developed the views of the select committee and explained the principles of their report, and had, he thought, satisfactorily shown that, without the aid of the taxes in question, it would be impossible to attain even the first object, the redemption. As this point was now questioned, he would repeat that the existing impost and excise on distilled spirits did not yield a revenue adequate to the discharge of the current expenses, the interest of the Debt, and the redeemable part of the principle; this would appear from the following concise statement:

Current expenses, as per acts of appropriation	- - - - -	\$2,524,000
Interest of Debt	- - - - -	8,100,000
Redeemable part	- - - - -	600,000
		<hr/>
		6,224,000
		<hr/>
The impost was estimated at	- - - - -	5,500,000
The excise on spirits,	- - - - -	400,000
		<hr/>
		\$5,900,000
		<hr/>
Deficiency	- - - - -	324,000
		<hr/>
		\$6,224,000
		<hr/>

In the above, the Bank dividends are not included. They are computed at fifty thousand dollars per annum, and may be set off against contingencies; the avails of the Post Office will probably be absorbed in the expenses of that Department. Thus it is demonstrable, that, to secure certainty in the reduction of the Debt, as far as the right reserved, these new taxes, or some others, must be resorted to. But, admitting, for argument sake, the full force of the statements of the gentleman, it would still leave the second and very essential object of the plan unsatisfied, namely, the purchase of the Debt. From accurate calculation, it appears that, if we begin this year the redemption of the Debt, and confine ourselves merely to the payment of the two per cent. of the principal, it will require nearly thirty years, before the whole of the six per cent. including Deferred Debt, will be discharged, and we shall then still have nearly twenty millions of three per cent., and fourteen millions of Foreign Debt on our hands. We must, therefore, place our greatest dependence on the purchasing up the Debt, and for that valuable purpose, we must have large surplusses of revenue every year, besides a stable and inalienable fund for the gradual redemption. In this mode advantage will be taken of the fluctua-

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

tions in the funds, and the Debt will be diminished with rapidity and on cheap terms; a double operation will then be performed; two per cent. of the principal will then be regularly and annually discharged, even though the Debt should be above par, and beneficial purchases will be made whenever it is at or under par.

Mr. S. said, he saw more solidity in the reasoning of the gentleman from Virginia, [Mr. MADISON.] when he complained that the proposed taxes did not go far enough; but still the reasoning of the gentleman did not conclude against those taxes, it only proved that there ought to be others in aid of them, and so anxious was Mr. S. for the speedy reduction of the Debt, that, whenever the gentleman should think proper to propose others, in that way in which alone they could claim consideration, he would give them his assent, unless they were such as were liable to insuperable objection, and such he did not expect the gentleman would ever recommend. The same gentleman had objected to these taxes, as being very oppressive and little productive, and therefore advised a recurrence to a direct tax on property, which would bring one or two millions of dollars into our coffers. This mode of reasoning was similar to that which prevailed at the last session, when the urgency of our situation suggested the necessity of a naval armament; on that occasion it was objected that the force was incompetent to the object, and yet there was no attempt by those who made the objection to render it competent; it was objected that we ought to negotiate with the Algerines, and not irritate them by an armament; and yet it was then known that one negotiation had been tried ineffectually, and that a liberal provision was made for another to accompany the armament. So, on this occasion, it is objected, that the proposed taxes are inadequate, but there is no attempt either to increase them or substitute others: a direct tax is suggested, (but not proposed,) in lieu of these, though it is well known that, at the last session, these were preferred to a land tax by the Committee of Ways and Means, consisting of a member from each State, of which the gentleman from Virginia was one; and that, when it was proposed in the House, there were not ten members who voted for it, even with the prospect of war before our eyes; and though the proposition under debate is accompanied with this provision, that, whenever any other taxes of equal value shall be laid, these taxes shall cease. The opposition on this subject is in all respects parallel with that of the one alluded to in the last session; and, as on that occasion, the House thought the urgency of the case called for the adoption of the remedy proposed, though, perhaps, not the best; so, on the present occasion, Mr. S. trusted the House would agree to the proposed plan, unless a better was brought forward. When the House had, by an unanimous vote, resolved that further provision ought to be made for the reduction of the Debt, he little foresaw the opposition which the report had encountered; the Committee had, in the discharge of their duty, paid much attention to the subject, and, as the result of their

labors, had reported the plan on the table; it was now several weeks since it had been printed and undergone discussion, and yet, after all the objection to it, nothing had been digested by way of substitute, and when the session is drawing to a close, it is proposed to reject it altogether, and leave the subject where we found it. Would the public be satisfied with this? Would they be reconciled by being informed that so valuable an object as the reduction of the Debt—one which they have so much at heart—had been defeated by the means of half a dozen manufacturers of snuff and loaf sugar! Will our constituents approve of our throwing away valuable funds in hand, and which are applicable to this important object, and depending upon mere visionary speculations of taxes, which may never be laid, or which, if laid, will not be realized for years to come? Will not the public be induced to suspect that there is something of party in this matter; and that one side object, because another side propose; and, however groundless the suspicion, would not designing men give it this complexion? For his part, so desirous was he of securing the object, that any other plan, from whatever quarter it came, which would be consistent with policy, should receive his assent; on this occasion, more than on any other, he would say, "*Tros Tyrusæ mihi nullo discrimine agetur*:" even now, though so much time had been bestowed on this report, he would consent to withdraw it, if gentlemen in the Opposition would show him another mode equally adequate to the object; but, until they did, he felt it his duty to support it.

If gentlemen are serious, said Mr. S., in their intention to propose a land tax, and have any hopes of its passing into a law, what possible objection can they have to the report? Does it not, in express terms, hold this language, that these objectionable taxes shall cease as soon as any others of equal value shall be substituted? If the language of the report is not sufficiently explicit, I am willing to make it more so, and to provide in another clause, which the gentlemen may word as they please, to this effect:

"That as soon as a direct tax on property to the amount of these taxes shall be laid, then they shall *ipso facto* cease."

Either they believe that a direct tax will pass, or that it will not: if they believe that it will, then they are certain that these taxes will cease; if they believe that it will not, then they must be sensible that, without these taxes are continued, the Debt cannot be paid. If it be said that it is hazardous to put it in the power of the Senate to prevent the passing of a land tax, and thus repealing these taxes, it may be answered that, if the Senate are indisposed to the reduction of the Debt, they will not apply these taxes to that purpose; if they are disposed to reduce it, they will adopt the most efficacious means, and, as the gentlemen say, a direct tax will be the most efficacious, of course the Senate would prefer it.

It has been said, that there is no necessity at this time to determine whether these taxes ought to

be continued or not, and that it ought to be left to the next Congress. It is somewhat strange to complain of the existence of the Debt, to express the utmost solicitude for its abolition; and yet, when it is proposed to take measures for that purpose, to ask why it could not as well be done next year? To postpone the plan for another year, will certainly evince less zeal for the reduction of the Debt than to adopt it now; when anything on this subject is done, it must be systematic and permanent. To resolve at this session to discharge the first redeemable instalment, and leave it to future Legislatures to pay the second or not, and so on from year to year, according to the changeable disposition of different Houses, would very much postpone the ultimate redemption, and throw the accounts into the utmost confusion and perplexity at the Treasury Department, embarrass the public creditors, and even put in jeopardy the public credit.

Mr. S. here produced a table, containing statements and calculations, showing the period of time in which the six per cents would be redeemed according to the right reserved, distinguishing the present and deferred Debt, the amount of principal and interest, applicable to each for each annual payment; the amount of each annually, after deducting the payment of the preceding year; and the value of the Debt every year, after the reduction commences, calculated on a certificate of one hundred dollars.

From this table, Mr. S. said, it must appear that when once the reduction was begun, it must be persisted in. New books and accounts must be opened at the Treasury; a table of reduction must be kept to be resorted to, as a standard by which to graduate the annual diminution of each certificate, and the consequent reduction of interest on it; if the system be permanent, there will be no great difficulty after the business is organized at the Treasury, but, if it be fluctuating, every year will require new books, new calculations, and the labors of innumerable clerks to adjust the accounts to the change; and this would not be the only difficulty, for, as new certificates will not be issued after every payment, and probably there will not be even an endorsement on the old certificate of the payment made, nothing but certainty of the annual payment can protect purchasers from endless frauds: the certificates in foreign parts would create the greatest perplexity, if the payment of the two per cent. were not as certain as that of the interest. Mr. S. said, he had consulted the principal officers of the Treasury on this point, and they were decidedly in sentiment with him that it would be better not to commence the reduction until we were certain we could persevere in it. He therefore pressed these considerations to convince gentlemen, that if we mean now to enter on the subject, we must not only make a systematic and durable arrangement, but we must pledge for the purpose certain and adequate funds, not liable to be withdrawn, but by the substitution of others of equal productiveness. It was further to be remarked, that, by suffering a year to elapse without availing ourselves of the right to redeem, we

lost a year effectually, for we could not carry the payment of that year to the credit of the next, the right reserved being only to pay two per cent. in each year. Mr. S. flattered himself that these explanations would be a satisfactory reply to those gentlemen who had asked what occasion there was for doing anything more this session, than simply appropriating six hundred thousand dollars for the first instalment. He had sought for every information on this subject, and he was convinced that the mere appropriation of that sum, without completing the system, would be attended with more injury than benefit.

The question which had been raised by the gentleman from Virginia, namely: whether we should enlarge the system of excises or apply to direct taxation, was unnecessarily raised on this occasion, and could have no other effect than to mislead the Committee from the true point.

The plan reported, and the statements from the Treasury, proved that the existing revenues were sufficient to discharge the redeemable part of the Debt, to pay all the current expenses, and to leave some surplus, which might be applicable to purchases of the Debt. If, after the system reported shall be adopted, it shall be thought that the surplus for purchases will be too small, then will be the proper time to propose new revenues in order to augment that resource, and then will the question of the gentleman from Virginia be regular; then let it be determined whether a complete system of excises or a land tax shall be the fund for further purchases of the Debt. It must be obvious that, to lead the Committee into that inquiry at present would be only to bewilder them in a maze of inexhaustible debate; it would be pursuing an *ignis fatuus* which would seduce us from the subject before us, never to resume it this session; it would be losing the substance to grasp at a shadow.

The unproductiveness of these taxes has been assigned as a reason for their discontinuance, at the same time that they are complained of as burdensome. They were expected to yield near four hundred thousand dollars, which was as much as the excise on distilled spirits, and no contemptible sum; it would pay two-thirds of each instalment, and was a growing revenue: it was, however, observable, that, though the motion struck at the whole of the taxes, all the artillery of Opposition was pointed only at the snuff and sugar taxes, and, indeed, latterly, the objections to the former had diminished, and the sugar-bakers seemed to be the principal favorites with the Committee; as to the persons affected by the others, they had not been even so much as mentioned in the debate. Was it right to destroy all these revenues, merely because the sugar tax was improper? Mr. S. had never expected that the snuff and sugar taxes would have been selected by the opponents of the report, for really they appeared to him the least exceptionable of the whole; he never could believe that the articles of snuff and sugar ought to be exempt from taxation, while coffee, bohea tea, and salt, were not. He never could consent to pay a bounty of ninety thousand dollars a year to the manufacturers of snuff and sugar. To prove

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

that the remission of these taxes operated as a bounty, Mr. S. stated that the protecting duties which had been laid by Congress on the foreign articles being so high as to amount to a prohibition, the articles, of course, were not imported; by continuing the protecting duties, the impost on those articles, which would amount to ninety thousand dollars, was thus lost to the United States, and would be a bounty to the manufacturers, if the revenue were not obtained by excise. Suppose Congress were to take off the protecting duties on loaf sugar, and leave the manufacturers to the foreign competition, could they justly complain? Might it not be said, the protecting duties have been laid long enough to encourage the manufacture, and to bring it to maturity? You have not only the monopoly of the home supply, but your sugar is become an article of exportation; since you are unwilling that the West Indies should derive a revenue from it through you, they must get it by an impost. Another objection has been made against the continuance of these taxes; they are said to be temporary, and ought, therefore, to be applied to temporary objects, such as the Military Establishment, and the permanent object of the reduction of the Debt. It was rather a strange objection to argue from a peculiar quality of the object under consideration, when the whole question and essence of the controversy, was, in fact, whether the object should possess that quality? Whether certain revenues should be temporary or permanent, depended on Legislative will, and when the proposition was to make certain temporary taxes permanent, it was no answer to say that they are now temporary. It should be shown that these taxes are temporary in their nature and quality. The duty on coffee, bohea tea, and salt, are permanent. Is there less permanence in the nature of a duty on refined sugar and snuff? The former are consumed by the poorer classes of society; the latter, by the wealthier. Is that a reason why the former should be permanent, and the latter temporary? But, if there did exist any difference in the nature of these revenues, the argument was the other way; for those duties being internal, were in general less liable to be affected by wars than the impost, and were, consequently, of a more permanent nature than the impost, and therefore more suitable for the purpose to which they are designed. Besides, the very substitute recommended for the additional impost of last session, is a temporary revenue.

There remained one further objection to answer. It was asked, why we did not extend excises to nails, shoes, paper, and many other articles manufactured in the United States, of which the manufacturers have as much the monopoly of supply, as of snuff and sugar? Several answers occurred to this objection. In the first place, the fact is not admitted that these have the monopoly of supply; again, it does not follow, that because one article is to be excised, all are. In laying taxes, many things are to be taken into consideration, the nature of the commodity, whether it can bear a tax, whether a necessary or a luxury, the mode of collection, its cheapness, and simplicity; whether

it will fall on the maker or on the consumer. The articles of snuff and sugar possess every essential of a good tax: to show that, because they can bear a tax, the other articles can also, the gentlemen should show that the other articles possess the same qualities.

Mr. S. said, he believed he had answered every objection to the snuff and sugar taxes, and consequently every objection to the principal part of the report; for it would be observed, that gentlemen in the Opposition had made the whole merit and existence of the report hinge upon those two articles. The question was, therefore, now on the very existence of the plan; for, if the present motion should obtain, he saw an end to all their labor for this session. However he might regret its failure, and the further postponement of so interesting a subject, he should endeavor to console himself with the reflection, that he had, early in the session, brought the subject forward; that he bestowed considerable attention on it, and had used all his endeavors to accomplish at this time a plan, which, if adopted, he was certain would effectuate the discharge of the National Debt in a very short period. If the conduct of members on this occasion is to be exhibited to the public as a criterion of their sincerity in wishing the speedy discharge of the Debt, he was desirous that the public should know the part he had acted, and he was confident that, when a comparison should be drawn between those on the one side, who had early and zealously brought forward and defended a plan for the reduction of the Debt, and at the same time shown a willingness to accede to any other equally efficient; and those on the other who had combated this plan with no small perseverance, merely on account of their dislike to one or two articles of taxation, without offering anything as a substitute, (except holding out the idea of a remote and almost impracticable expedient,) his conduct would safely undergo the strictest scrutiny.

Mr. GILBERT rose.—By this time several members were ready to go away, and the question having been repeatedly called for, the gentleman was going on, when

Mr. NICHOLAS observed, that he was entitled to be heard, as he had got up before a motion that was just made for adjournment.

Mr. B. BOURNE observed on the impossibility of the gentleman being heard, when the House were just going.

Mr. SEDGWICK noticed that he should have the freedom of the floor to-morrow.

Mr. GILBERT said, that he did not wish to tire the Committee.

The Committee then rose, and the House immediately adjourned.

FRIDAY, February 6.

An engrossed bill for the erection of a light-house, near the entrance of Georgetown harbor, in the State of South Carolina, was read the third time and passed.

Mr. FITZSIMONS, from the committee appointed to inquire into the establishment of clerks in the

H. of R.]

Public Debt.

[FEBRUARY, 1795.]

several Departments, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

Mr. FITZSIMONS, from the committee to whom was referred the memorial of William Gardner, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

THE PUBLIC DEBT.

The House then went into a Committee on the unfinished business of yesterday; the amendment of Mr. S. SMITH was before them for striking out the second resolution in the report of the select committee on the means of reducing the National Debt; Mr. COBB in the Chair.

Mr. TRACY said, that when he was up before on this question, he had stated that some of the sugar-bakers in New York were not, in their own opinions, oppressed by the excise on loaf sugar, and that the raw material had been cheaper there than usual; this had in part been contradicted by a gentleman from Maryland, [Mr. S. SMITH,] who had said that the low price alluded to was by an accidental and single purchase. Mr. T. said, he was now furnished with ample documents to show that the raw material in New York had been at least ten per cent. cheaper for a number of months back than usual, which enabled the refiners to sell loaf sugar at the same price which they did before, and yet collect the excise from the consumer. He had asked, when up before, if the manufacturers complained anywhere but in Philadelphia. He now was ready to assert, that they did not complain, excepting in Philadelphia and Baltimore. The principal ground of complaint, contained in the petition now before the Committee, from the refiners in Baltimore, was, that they had not the advantage of speedy sale as those had who lived in larger towns. This, Mr. T. said, could not apply to the manufacturers in Philadelphia. And as the chief complaint before the Committee was from the city of Philadelphia, which was quoted by those in favor of the motion for striking out the resolution, he wished to be indulged in a few remarks upon the weight, which, in his opinion, the complaints of the Philadelphia refiners ought to have. It was said by a gentleman from Virginia, [Mr. NICHOLAS,] that the manufacturers in this city declared they paid the excise themselves and could not collect it from the purchaser; and that we ought to believe them. To this he answered, that the respectability of the sugar-bakers in Philadelphia was unquestionable, yet, before their opinions and declarations ought to influence the Committee, he thought a fair examination of their opinions and conduct, and a comparison of them with the opinions and conduct of the sugar-bakers of New York, &c., ought to be had. Upon the first idea, in Congress, of laying an excise on loaf sugar, &c., the manufacturers in this city had been constantly opposing the motions of Government. This opposition had been kept up until the law had passed through all its stages; and, as if they meant to move Heaven and earth against it, when the Legislature of

Pennsylvania sat last Summer in that most critical period, they petitioned the Legislature to interfere officially, and, if possible, induce Congress to repeal the excise law. This was done in such terms, and by some persons at least, from whom we had a right to expect support to the laws, that it could not fail powerfully to attract the attention of every person who regarded the peace and happiness of his country. And yet a sense of the impropriety of this conduct seems not to have found its way to the minds of the manufacturers in this city, excepting Peter and Henry Mierken, who, Mr. T. said, formed a very honorable exception; but the exception was a solitary one. They publicly declared against the propriety of such a step. Now the manufacturers tell us that they must pay the whole excise themselves, and its operations are ruinous to them. And they add, loaf sugar is at the same price now that it was before the excise was laid, and that the excise prevents the consumption. It was a well known fact, Mr. T. said, that large purchases were made antecedent to the excise law taking place; perhaps the grocers did it on purpose to avoid paying the excise. This might be one reason why the price was not increased; another was, the diminished price of raw sugars. It was the case when the excise was laid on spirits. An over-purchase kept the price where it had been for some time after the law took effect; but very soon the excise and a profit on it was added; so it would be in this case. Mr. T. said, that the consumption of loaf sugar was not lessened by the excise, he had authority to say, from all the information he had from the grocers in this city, in New York, and elsewhere; and if the manufacturers of this city were accurate, in saying that they paid the excise themselves, he asked how it could possibly lessen the consumption? And he said he believed he was stating with accuracy, when he said that one sugar-baker at least, in this city, actually did, or at least proposed to make out bills to his purchasers, in three columns, one containing the price of the sugar, the next the excise, and the third the whole amount, but this he did not know that he could prove. If this were true, he asked who paid the excise, and why should such a thing be done, but to stir up uneasiness in purchasers, that the burden was thrown on them? Now the cry is, the purchaser or consumer did not pay the duty; but it fell on the poor depressed manufacturer. Mr. T. agreed that it would be no more just, wantonly, to take money from a rich man than a poor one, but humanity called with more force in favor of the latter. How was it in this case? Were the manufacturers in this city poor and depressed? He said he remembered a petition of these very manufacturers, but lately read in Congress, in which they say that they will immediately pay their proportion of the Public Debt, if we will let them know the sum; yet they cannot pay a small excise without utter ruin! They deny their ability or will to pay, even in the first instance, a small excise, and yet wish to pay down their proportion of eighty or ninety millions of dollars, and from every appearance this proportion must be made

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

out on very ample fortunes; so that the sum which they offer to pay down must be large. We have been told in this House of a dangerous moneyed influence, of paper noblemen, and purse-proud aristocrats; but what is this conduct the result of? Not of poverty, to say no more of it. Mr. T. was not confident, but he was tolerably certain, that the dry goods merchants of this city remonstrated against the impost when it was first established; the manufacturers are now complaining of the excise. Is there any thing peculiar in Pennsylvania that the laws of this Government can never go down quietly with its inhabitants? He was willing to appreciate the State, and the manufacturers, and think very highly of them; but he was as willing to think well of the manufacturers in New York and elsewhere, and to give as much credit to their statements. He declared, if he were convinced the tax would eventually fall on the manufacturer and not on the consumer, he would vote for striking out the resolve; but he said it could not be determined yet, by experiment, which was the only proper test of a tax. He declared he thought that even the manufacturers themselves could not tell unless the taxes were kept in being for a longer time than two years. He believed to continue the excises laid last session of Congress until 1801, would give us the experimental test much better than to try it only for so short a time, and that he was opposed to the limitation when the taxes were first laid; but the limitation was moved by a gentleman who had opposed the excises in every step; and Mr. T. understood that an accommodation was to take place in consequence of the limitation, but after the limitation was added, not a man voted for the bills who had, before that addition, opposed them. He very much regretted, then, that the limitation was admitted at all; and should have opposed it, but from a misunderstanding of the word *accommodation*. He had taken it in its ordinary sense, but he found it was used in an appropriate and technical sense, that is, "if you will adopt my sentiments exactly, I will be so *accommodating* as never to adopt yours in return." It had been said that this attempt to collect revenue by excises was the first. The gentleman who said this must have forgotten the excise on spirits, which was of much more ancient date. A gentleman from Virginia [Mr. NICHOLAS] had said that no opposition was made to impost. Mr. T. was confident the gentleman had not stated with his usual accuracy. There certainly were murmurs against the impost, and, possibly, at the first operation of all taxes, they more or less affect the people unequally; but if you will give them time enough to work their own level, they will become equal, and will systematize in such a manner that the consumer will forever pay. A gentleman from Virginia [Mr. GILES] had complained of some opinions which had been given in the Committee, that a vote on this subject would be a political test, and by each man's vote, his wishes, honestly to pay off the Public Debt, or not, would be discovered. The same gentleman had soon after declared, that all persons who voted to strike out the resolve, would

evinced a confidence in the virtue of the next Congress, or future Congresses; and that all who voted against striking out, would evince a distrust of the virtue, &c. This declaration Mr. T. thought not so well founded, and not so candid, as the declarations of the gentleman generally were. He asked, if it was a greater evidence of distrust in the virtue of future Legislatures, to suppose they will not repeal a bad act, when found so by experiment, than any thing which can be derived from prolonging an act, for the purpose of giving it a fair chance to be tried by experience; and would it not carry an impeachment on the wisdom of this branch of the Legislature, to leave an act in a situation which will never give it a fair experiment? Mr. T. thought the arguments made use of by the gentleman from Massachusetts, [Mr. LYMAN] could not apply; he had argued entirely on the ground that our manufactures should not be taxed at all. If so, why not repeal the whole? The question now is, shall we prolong these taxes a sufficient length of time to discover, by experiment, whether the excise will injure the manufacturer, or shall we not? If, by fair experiment, the excise is found to injure the manufactures, no man can wish a farther continuance; but at least give time enough for that experiment. As to the argument, that all taxes ought to be annual or biennial, Mr. T. said, no man could soberly think that such uncertainty in the mode and duration of taxes could be eligible. Let the people know that a mode of taxation is to be permanent, or at least sufficiently so, to determine its merit by experiment, and they will know how to meet the exaction, and will systemize it; but keep your mode of taxation in uncertainty and fluctuation, and your taxes will be truly oppressive, which no man can wish, unless the new-fangled principle, that, to preserve the liberties of the people, you ought to make them feel most sensibly the inconvenience of paying taxes, should become general; which is in fact saying, it is best for the purpose of securing liberty, peace, and happiness to mankind, for the Legislature so to contrive their mode as to effectually prevent the contrary, and enforce an involuntary payment, and that at a time and in a manner the best calculated to destroy the peace and interrupt the happiness of the person paying. This he thought a fair result of the doctrine which had been mentioned in the Committee, "that direct taxes were preferable to indirect, for the purpose of preserving liberty." Mr. T. said, he should have no great objection to strike out the carriage tax, not that he disliked it; but many persons thought it unconstitutional. He had no doubt on that ground, and believed it would be determined by the Federal Court to be Constitutional; if so, it was agreed on all hands to be a good tax. The resolve must be amended, if it was not struck out; but he conceived, by the rules of the House, if the whole resolution was struck out, that not one of the taxes could be brought forward for a continuance, or, in other words, it would not be in order to move a repeal of the limitation. If he was right in this idea, he hoped no person would vote to strike out the reso-

lution, as he was confident it might be amended, so as to meet the minds of a majority.

Mr. MONTGOMERY.—I am so seriously disposed in favor of the reduction of the Debt, that I rise, at this time, more to give my reasons for the vote I intend to give, than that I believe my arguments will be so clear or convincing, as that I shall have much influence on the opinions of this Committee.

There has been, in the course of investigation, much said on the one hand to show the sufficiency of the existing revenues for the purpose expressed in the resolution; and as much on the other, proving that, without the continuation of the taxes or duties in question, it would be deceptive and very fallacious to attempt the object in view. Without going into the minutes of calculation on the one side or the other—nor, indeed, do I believe it is very important as to the determination of my mind which of the calculations are the most just—it is sufficient for me to observe that the resolution in question, taken in conjunction with a subsequent one, appropriates the whole of the taxes in question, together with the surplus of revenue which may hereafter exist, after satisfying all legal appropriations, to the positive discharge in the first place of the redeemable Debt; and in the next place, to the increase of the Sinking Fund for the purpose of purchasing the residue. Now, it is impossible for me to doubt, but that the Legislature will, at every future period, upon having once established a plan for the reduction of the Debt, abide by the same, till the object is accomplished; and all the revenues, once solemnly pledged for this purpose, will be faithfully applied. If there is no reason to doubt of this, it is very unimportant whether there is a greater or lesser surplus yearly, provided only that there should not be so little as to derange the proposed plan; and that does not seem to be feared by either side; and the greater the yearly surplus, so much the more will the final redemption be accelerated. As to the idea that we may appropriate as much of the present revenues as may be necessary for the purpose of the redemption of the six per cent. stock, as is directed by law, and at the end of two years, if these taxes prove themselves good ones, the House will then, no doubt, continue them; and it is a kind of charge on the virtue of that House to suppose they will not. But, in answer to this, the reduction of the National Debt is a great object, and if ever it is accomplished, it must be the result of a plan. Now the argument for beginning this work without a plan contemplating a permanent revenue, would be just as strong two years hence that we should go on so, as it is now, that we should begin without it; and so on, from one period of two years to another, till the whole was completed. Would any man, or set of men, in their senses, undertake such a mighty task? If such could be found, they would, I believe, be certainly defeated, and the object would never be accomplished; therefore, as I am in earnest about the redemption, I am for a plan the best and most stable that the nature of the case will admit. And I cannot

hesitate in approving, for the present, of the one proposed, as it is provided in the resolution, that if other taxes are substituted, the present may at any time be abolished. This I think should satisfy gentlemen who wish to substitute other and direct taxes in the room of those. But I really believe the mode of collecting money from the people by impost duties and excises, provided they are well regulated, are preferable to any direct tax, and the people pay them with greater facility. To illustrate this fact, only suppose that the whole amount of our present revenue was laid on real property, or by direct tax, would it be possible that the people could long bear up under such an enormous burden? I really believe not. Whereas, they now pay it almost insensibly; and I really believe it in a great measure brings its own ability to pay, by stimulating every part of the community to industry and exertion. I would just observe, an idea not so well expressed, which I have touched on before, viz.: that, in the first place, positive provision is hereby proposed to be made for the redemption, yearly, of so much as the law admits, exclusive and previous to any other appropriations which may have any claim on this fund.

Again, as to the necessity of experience with respect to these taxes: If we mean seriously to undertake the redemption of the Debt, what experience do we wish to obtain? Two years will furnish little, and that not so fair an experiment as a longer trial on an established plan; and if we should not like this very well at the end of two years, what then? Try another. Would not that also need two years for an experiment? And so on, till our whole plan would tumble into ruin, and as a nation we should suffer disgrace. For the fact is, having begun, we must not look back; and this or some other tax must be continued till the whole Debt is extinguished; and I really believe, if we adhere to the present plan, the system will, in time, reconcile itself to the people, and our Debt will be paid in a manner by which none will be distressed, and within a time that many of us may reasonably hope to be the living witnesses of.

Thus have I given the reason which shall govern my votes on this occasion as concisely as it is in my power; and I believe I should not even now have trespassed so long on the patience of the Committee, only I am most sincerely and ardently disposed to promote, by every mite of mine, the object proposed; and the more especially so as I believe it will be the last Congress in which I shall ever have the opportunity of giving my sentiments on the question. I submit them to the Committee; they will give them the weight which they merit and no more.

Mr. S. SMITH.—I agree with the gentleman from South Carolina, [Mr. W. SMITH,] that the subject before you is of no great importance—no less than the continuing of a system by which you are to establish excises on the growing manufactures of the Union. It is not the two cents per pound on sugar, nor the eight cents on snuff, but the principle we combat. We are told those are luxuries. The same insidious policy was pursued by Great Britain. It was not the trifling duty on tea, (a

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

luxury,) but the principle of taxation that united America successfully to oppose her.

The same gentleman has said, why should not refined sugar pay duty, when salt, coffee, &c., pay? This kind of argument is seldom used by that gentleman; it is merely *ad emptundum vulgus*, for he well knows that every pound of refined sugar that is consumed has already paid a duty of at least three cents per pound on the raw material.

The gentleman from Massachusetts [Mr. SEDGWICK] has said, that we must either continue those taxes or lay a direct tax. This argument is meant merely to deceive, for he cannot believe the continuing those taxes necessary to the object in question. He must know that the revenues independent of those taxes are fully adequate. Nay, sir, so certain am I on this subject, that I would vote against any motion for a land tax; it being in my opinion wholly unnecessary.

The gentleman says, that the mistakes in all the statements made by the members of this House have been palpable, and that he will rest his confidence implicitly on the Report of the late Secretary. We are not accountable for the mistakes of others. They were indeed palpable. The Secretary has proved some of ours. I stated the revenue which would arise from additional duties at \$750,000. The Secretary says that they will be \$769,000, but he deducts therefrom ten per cent. for drawbacks and expenses. There he is wrong. The drawbacks, &c., in 1792, (the year he calculates on,) were but six per cent. And the additional duties being principally on dry goods, of which a trifle is exported, he ought not to have charged more than two per cent. for drawbacks and expenses, which would have confirmed my statement of \$750,000. Having observed this mistake, I was led to examine more minutely, and I thought I could discover other errors. For instance, in the result marked F, for 1793, the drawback is estimated at \$1,500,000, when already there had been charged thereon \$279,000. This is \$500,000 more than heretofore calculated on, and that much more than will probably arise on that year. The Civil List is charged with \$117,000 more than any year has actually cost; the Military at \$99,000 more than it cost in 1793, and no person can suppose that our Military expenses will increase. Nay, some contemplate a reduction.

My habits have been to examine, and I am certain that the late Secretary (for whose abilities as well as personal character I have the greatest respect) will pardon my having pointed out what I conceive to be errors. Those sums, together with \$65,000 over-charged for drawbacks on additional duties, will make \$781,000. Deduct therefrom \$380,000 supposed to be raised by the new duties, and there will remain \$401,000 for contingencies, and for purchase of the Debt. I have not taken into calculation the surplus made by the Secretary of \$142,000, in his result F, because I do believe that nearly the whole of that will be lost in the estimate of \$100,000 expected from the excise on domestic distilled spirits. My calculation

makes that item (which has always been estimated at \$400,000) to yield less than \$300,000 to the Treasury.

I shall not pretend to follow the gentleman from Connecticut through that vein of ridicule that he has thrown on the memorialists. They are citizens, had a right to petition, and deserve to be treated with decency—they neither want his pity nor that of the House—they ask a redress of grievances. He has said we want experience on those laws, but we may test them by the existing excise. It was by it I meant to test the new excises, but the report demanded thereon has not yet been made, and I must risk my calculation, which I firmly believe in myself.

In 1792, the nett amount of duties of excise paid to the Treasury, all expenses of collection deducted was - - - \$388,209

Deduct drawbacks paid by the	
Collectors of Customs on ex-	
portation - - -	\$186,428
With \$75 for molasses - -	27,285
	<hr/> 109,143
	<hr/> \$274,066

Leaving an actual nett revenue of \$274,066 for the year 1792.

The returns for 1793 are not complete, but add to those made, a like sum for each of the States that have returned their accounts to those for 1792, and you will find that you lose between the years 1792 and 1793, nearly one hundred thousand dollars—a prodigious decrease for one year. Should that excise continue thus to decrease, you must find funds to pay the officers from some other revenue.

In the year 1792, the spirit from molasses produced \$174,152; from grain and fruit, \$72,170. To collect that from molasses requires not more than twenty persons. To collect the residue, about two hundred and thirty officers. Supposing other States have officers equal to the number in Maryland, where twenty-five are employed to collect a nett revenue of \$15,591. Why, sir, if the whole was divided among the officers, it would not be too much for their services. Thus have you, at least, two hundred and thirty officers spread over the whole face of America, to pay the immense sum of seventy-two thousand dollars per annum to the Treasury. The State of Virginia paid of nett revenue, in 1792, from the excise, \$15,186; the cost of collection is charged at \$5,238—so that twenty shillings collected from the people pays but fifteen shillings to the Treasury, and yet the officers are not half paid. Those of Maryland must resign, unless their pay is increased, for, on an average, they receive but about seventy-five dollars per annum. I agree with the gentleman that the people pay taxes by excise more pleasantly than by direct taxation. But, sir, I believe the temper of our people is not prepared for a general excise system; that excises cannot be collected without an host of officers, who, being paid as they ought to be, would swallow up the revenue. Whence arises this decrease? From the gradual

H. of R.]

Public Debt.

[FEBRUARY, 1795.]

corruption of the morals of the people, occasioned by the excise system.

One other observation : I do not think with those who would throw three millions of dollars into market annually for the purchase of the Debt. If you do, you will raise the price so that your three millions would not purchase more than two millions four hundred thousand dollars.

A sum of from five hundred thousand to one million annually, will not affect the market so materially, and will, perhaps, be purchased nearly at par; and that sum will be paid from your existing revenues without the aid of the taxes in question.

Mr. FINDLEY observed, that the real ground of controversy was within such narrow limits, that, if foreign matter had not been introduced, he had not designed to detain the Committee with his observations. The question was only, whether those revenue laws which were, by their own limitation, to continue for two years longer, should now be extended to six years.

After the wide field of argument that had been taken, he wished to call the attention of the Committee back to the single ground of controversy; he thought the best way to do this, was to state a concise narrative of the progress of excises under this Government.

In the year 1790, a law was enacted for levying an excise on distilled spirits and stills. At that time we had very little practical knowledge of excises; in most States they were only known by the odium of the name; in some others they were only known by being defeated. In the Spring of 1791, the Secretary of the Treasury was directed to report early to the next session the progress of the excise law; the next session passed without this information being given: the direction was renewed, and a day named on which the report should be made. This produced the report of the first day of January in the last session, which proved that the excise law was very partially executed, notwithstanding the amendments which had been made to that law, and the suggestions that it was in full operation. From this report it was evident that the revenue fell much below the estimated amount, notwithstanding that the expense of collection was increased almost every session, and that, in some districts, the revenue did not pay that expense.

While such a view of this excise was before the House, the present revenue Loans were introduced, and supported by arguments drawn from theory or the experience of countries otherwise circumstanced than we were. Being opposed by a pretty large minority, and the estimates of their produce not being supported by any sufficient data, a limitation of their duration was agreed to unanimously.

One gentleman, indeed, [Mr. TRACY,] says that he, at that time, disapproved of the limitation, though he voted for it; and, from this circumstance, he justifies his right of voting against it now. This manner of arguing affords a much stronger proof of that gentleman's ingenuity than of his candor. He complains that voting for the

limitation procured no votes in favor of these laws. This, at least, proves that the limitation was the only thing in which the House was unanimous, and, consequently, that this being the most respectable part of those laws, ought to be held most sacred.

The same gentleman, in his last discourse, thought proper to select Pennsylvania as the peculiar object of his censure, and to make severe animadversions on the conduct of her merchants and manufacturers. Had he confined his censure to the part of this State, where a criminal opposition to the excise law actually happened, and had this been a Court of Censors, authorized to make a scrutiny into the character of particular States, and hold them up to public contempt, perhaps I might have acknowledged the justice of his strictures with respect to some of my immediate constituents; but would still have gloried in being a citizen of Pennsylvania. Nor do I think myself dishonored by the unfortunate misconduct of some nearer where I reside. When a comparative scrutiny is made of the character of the merchants and manufacturers of other commercial and manufacturing States, I am confident, with the exceptions I mentioned, that Pennsylvania will not shrink from the trial, nor blush at the result; but as this House is no Council of Censors nor Court of Judicature, every thing of this kind is disorderly and impolitic.

Mr. F. observed, that a gentleman, yesterday, [Mr. SEDGWICK,] had done him the honor to make some remarks on what he had formerly said on this subject, respecting the faith of the Government. He supposed he had not then expressed himself with sufficient accuracy, but would now explain his meaning. He did not mean that the faith of Government was so pledged as that it must be suffered to expire at the time to which it stands limited, or, that it could not be extended with propriety, as soon as experience of the revenue it would produce, and its effects on the manufacturers, would justify the measure. He only contended, that a limitation thus unanimously agreed to, should not be extended until we were possessed of the practical information intended to be obtained. He said, this was reasonably expected by those who doubted of the propriety of the law, and by the manufacturers who were affected by it; and no man had pretended to say that this information was yet obtained.

He said that the manufacturers were so confident in this expectation, that though, through the impropriety of the law, some of the manufacturers had their business totally stopped; they had made no complaint, until we obliged them to come forward by attempting to extend the limitation, and by construing their silence into approbation. He said he had the honor to be one of a committee of seven, to examine and report on the memorials of the manufacturers. It appeared to that committee, on the most exact scrutiny, that the manufacturers could not hitherto add the tax to the price, and that the revenues fell much below the estimate; but the laws having been but a few months in operation, they thought it possible, that

these circumstances might be owing to temporary and incidental causes, and therefore, though they voted against the repeal of these laws, yet they reported, with only one dissenting voice, against extending the limitation.

The importance of rendering the revenue permanent on which the discharge of the Public Debt is to depend, affords the only good argument that has been offered for extending the limitation, and this circumstance has considerable weight; but, as it is not proposed to lessen the revenue, it will still be in the power of Congress to extend those revenues, and add others of the same kind, if experience justifies the measure, and if those taxes are judged improper, there are other resources. However, it is not necessary to appropriate this revenue to the discharge of the Debt; much more revenue than these sources will produce are necessary for the support of the Army and other temporary purposes.

The gentlemen in support of the measure, with great confidence, assert the decision of this measure to be a criterion of a disposition to discharge the Public Debt; but this assertion is neither candid nor well founded. The amount of revenue is too small, and the principle too exceptionable, to be made such a test. If it is a test of anything, it is of the jealousy we entertain of the future Legislature. Such a jealousy, though pretty evident, he thought, was unfounded. He believed that those who came after us, would possess as much virtue and discernment as we did, and would be as much interested in providing for an honest discharge of the Debt.

We have been frequently called on to bring forward direct taxes or other substitutes, and were charged with voting against direct taxes last session. There is no need for other taxes until the limitation is nearer its expiration; nor ought this to be called for unless we were proposing a repeal of some of the existing taxes, as they are fully sufficient for the object proposed.

Mr. F. said that, as direct taxes had been often mentioned in such a manner as to suggest a suspicion that he did not seriously wish them to be brought forward at any time, he begged leave to explain himself on that subject more fully. He said that, last session, he had the honor of making the motion for the Committee of Ways and Means, and it was his wish that that committee would have proposed a direct tax of two millions of dollars, to be apportioned among the different States, agreeably to the Constitution, and appropriated for a limited time to the redemption of the Public Debt. He expected that each State would levy it in its own way.

He said that, however much he was against an excise system of taxation, because of its partial operation and corrupting effects; yet, on reflecting that even a direct tax could not be apportioned with perfect equality on all the States, and that it would generally happen, that where the indirect taxes pressed lightest, the direct taxes would press most heavily, he thought it would be best now, when the country was able to bear it, to put both kinds into operation, and this might be aided

with further duties on such manufactures as could bear it, and equally enjoyed the benefit of protecting duties with those already taxed. He hoped that, when the next Congress met, such a plan of taxation would be adopted; doing this, would be an unequivocal test of a disposition to promote a speedy and honest discharge of the Public Debt.

The tax negatived last session, was not such a direct one as he contemplated, nor of sufficient amount to be worth the expense of levying; nor was it needed for the object proposed. It was but five hundred thousand dollars, and to be levied exclusively on land. The direct tax, he contemplated, was a tax on all visible property that could be conveniently rated, and he conceived that two millions of dollars, would be but a moderate tax on the United States.

He did not think it necessary to take much notice of the arguments offered respecting the quality of the taxes, as we were neither about to originate nor repeal them, but thought many of these arguments more plausible than solid. He instanced a gentleman's [Mr. SMITH, of South Carolina] comparison of the impost on coffee, with the excise on loaf sugar. If the gentleman had reflected, that coarse sugar paid an impost before it was refined, as well as coffee, he would have been convinced that the comparison was fallacious. To make them correspond, there ought to be an excise on coffee when it is boiled, or, rather, on the grinding of it, as in England.

The same gentleman expressed himself surprised at the objections to the swearing required in the excise laws, and said an honest man who was willing to do his duty, could have no objection to swearing. Mr. F. said, that this case was strongly misstated. The honest man was not afraid of his own swearing falsely, but he was afraid that his honesty would ruin his business, because the man that did not fear an oath would undersell him. This was an evil which the most judicious advocates of excises acknowledged to be inseparable from them. The experience of every country, where an excise system prevails, has produced lamentable instances of the depravity of those that were immediately connected with the excises. He regretted that, already, instances of such depravity could be found in our own country. But the gentleman who had just sat down [Mr. S. SMITH,] had spoken so well on this subject, and on the sentiments of the people respecting excises, that it was not necessary for him to add much on that subject. One particular, however, he would mention. It was in proof before a committee of which he was a member, that, notwithstanding the protecting duties, all the rum distilleries in this city and Baltimore, had given up the business, but one in each of these towns, though, before the excise law, these distilleries had been worth from a thousand to twelve hundred pounds annually to the owners. They now either lie idle, or are turned into breweries. He did not know how it was in other towns, nor whether the two distillers that continued at the business in this city and Baltimore, were honest men or not; but

H. OF R.]

Public Debt.

[FEBRUARY, 1795.]

he thought the circumstance was alarming, and ought to be inquired into.

The same gentleman spoke much about the propriety of taxing luxuries, as they were only used by the wealthy. He said he never had heard an exact definition of luxuries. In general, they were such things as contributed to the happiness of individuals, at least in their own esteem, and which they could exist without the use of; but to take them by this rule, they would be exceedingly numerous, and as various as the different tastes, passions, and circumstances of mankind. With respect to loaf sugar, it was in pretty general use; and as to snuff, he never knew the consumption of it to be confined to the wealthy. He thought a view of this House gave a proof that it was not, but few of the members used it; it was more commonly used by the poor, the disconsolate and unhappy, who had recourse to it as a stimulus to assist in supporting them under melancholy. He said, there was another kind of property, which, if not luxury, yet, could well bear a tax—he meant great landed estates. Many might be found with extensive manors of land, numerous stocks of cattle, and abundance of all the most permanent kinds of wealth, who did not pay as much of impost or excise as the day laborer, or the man who had to rent a farm to raise his family on.

Mr. GILES hoped that some of the taxes would be continued. His opinion had uniformly been, that the taxes, altogether, were insufficient for any formidable operation on the National Debt. The surplus of revenue, by the most favorable statement, was not supposed to be more than three hundred thousand dollars per annum. He did not think the excise system the best for making an impression on the Debt. He wished for an apportionment among the States. As to the resolution before the House, he approved of some of the taxes, and others he disapproved. He therefore wished the resolution could be divided, that he might not be obliged to vote for or against five taxes all at once. He hoped that a plan for apportioning taxes to discharge the Debt would, before the rise of the session, be laid on the table. If it was not done by somebody else, he would do it himself. He had strong objections to several of these taxes, to which he would give his consent, rather than that nothing should be done. He wished that some better proposition could be brought forward than a few petty excises. Such a thing might be laid on the table, and, between this and the next session, they could sound their constituents upon it. He wished for some modification in the motion of Mr. S. SMITH.

Mr. KITTERA was for a division immediately.

Mr. DAYTON, Mr. PAGE, Mr. FITZSIMONS, Mr. MADISON, and Mr. HARTLEY, also spoke.

The last gentleman feared that he would never see an end of such a discussion.

The question for striking out the resolution was put—Ayes only 21.

The motion being thus lost:

Mr. GILES said that, at the risk of popular odium, he would move to strike out the tax upon carriages. He knew this to be the most popular of

the taxes, but he believed it to be against the Constitution. It was not a voluntary, but a compulsory tax. To lay a tax on a thing already in a man's possession, was a direct tax; and, though a popular one, the fear of giving offence would not deter him from doing what he believed to be his duty. A gentleman from South Carolina [Mr. W. SMITH] had treated objections of this kind lightly; and had said, that the Constitution could be corrected. He thought this a very unguarded mode of expression. We have all sworn to support the Constitution; and, if it must be altered, we know very well that this House has not authority for that purpose. There must be an authority of a different kind. As to the tax now before the House, so firmly were several gentlemen persuaded of its illegality, that they had determined to make an opposition to it—not as in Pennsylvania, by an insurrection—but by a trial before a Court of Law.

Mr. BOUDINOT considered the objections of Mr. GILES as totally groundless. You might as well say that the tonnage of a ship is a direct tax, for the ship and the carriage have both, perhaps, been in possession of their respective owners, before the existence of the tax. If he had imagined the tax to be unconstitutional, he would certainly have opposed it with all his might. He considered it as a popular tax.

Mr. HILLHOUSE recommended brevity and despatch.

Mr. BEATTY wondered at hearing his colleague say, that the carriage tax was popular, since it was quite otherwise among their constituents in New Jersey.

Mr. BOUDINOT explained.—That part of the tax which regarded carriages of pleasure was popular; but the collector of the tax in New Jersey, by a construction which never came into the head of anybody except himself, applied the law to the wagons of farmers going to market. This part of the tax was very unpopular, and justly so, but the other part was agreeable.

On dividing, the motion of Mr. GILES was negatived—Ayes 29, noes 55.

A motion was made, by Mr. SEDGWICK, for striking out another part of the resolution. The meaning was not to limit the appropriation of the produce of these taxes to the discharge of the Debt exclusively. He had been appointed on a committee, when the galleries were shut; and it was the business of the House to provide money for the humane and national purposes referred to. That money must be had. He did not think himself at liberty to speak more plainly, but the House knew that this was an indispensable object.

Mr. FITZSIMONS said that, if the gentleman meant any other purpose than what had been all along professed, for the application of the money, he wished him to speak out.

The Committee agreed to all the resolutions as reported, and then rose, and the House agreed to the resolutions, which are as follows:

1. *Resolved*, That there be appropriated, out of the revenues of the year one thousand seven hundred and ninety-five, a sum not exceeding six hundred thousand dollars, to be applied to the payment of two dollars on

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

every hundred dollars of the amount of that part of the Public Debt, which bears an actual interest of six per cent.; the said payment to be made on the — day of — next.

2. *Resolved*, That the several clauses of limitation in the acts for laying duties and taxes on manufactured sugar and snuff; on licenses for retailing wines and spirituous liquors; on sales at auction; and on carriages, be repealed; that the said several acts be continued in force until the year one thousand eight hundred and one; and that the moneys arising therefrom be appropriated to the discharge of that portion of the Public Debt which is redeemable by law, subject, however, to a substitution of other duties or taxes of equal value, to all or any of the said duties and taxes.

3. *Resolved*, That the eighth section of the act of last session, laying and continuing certain duties on goods, wares, and merchandise, be repealed; and that the duration of the said act be made commensurate with the act for laying such duties, passed the tenth day of August, one thousand seven hundred and ninety, entitled "An act making further provision for the Debt of the United States."

4. *Resolved*, That the surplus of revenue, which may hereafter exist, after satisfying all legal appropriations, be annually appropriated to the purchase of the Public Debt.

5. *Resolved*, That provision be made for the sale of the public lands in the Western Territory.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. WILLIAM SMITH, Mr. AMES, Mr. FITZSIMONS, Mr. DUVALL, and Mr. NICHOLAS, do prepare and bring in the same.

MONDAY, February 9.

ROBERT GOODLOE HARPER, returned to serve in this House as a member for the State of South Carolina, in the room of ALEXANDER GILLON, deceased, appeared, produced his credentials, was qualified, and took his seat in the House.

Mr. GOODHUE, from the committee to whom was referred the memorial of sundry manufacturers of hemp, in the towns of Boston, Newport, and Providence, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States;'" and, after some time spent therein, the Committee rose and reported several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be read a third time to-morrow.

Mr. SEDGWICK, from the Committee to whom was referred the Message from the PRESIDENT of the UNITED STATES of the 4th instant, enclosing a Letter from the Secretary of State relative to a Loan for the maintenance of the intercourse of the United States with foreign nations, made a report, which was read: Whereupon,

1. *Resolved*, That adequate provision be made by

law for reimbursing, before the year —, any loan which may hereafter be made under the authority of the PRESIDENT of the UNITED STATES, in virtue of an act of the last session of Congress, entitled "An act making further provisions for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations.'"

Resolved, That, for the purpose mentioned in the foregoing resolutions, the proceeds of the duties upon carriages for the conveyance of persons, on licenses for selling wines and foreign distilled spirituous liquors by retail, on snuff and refined sugar, and on property sold at auction, imposed by acts passed at the last session of Congress, and which may be further continued the present session, which are not already appropriated, be appropriated for the reimbursement, before the year —, of any loan which may hereafter be made in virtue of the act aforesaid; and that the faith of Government be pledged to make good any deficiency.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. SEDGWICK, Mr. MADISON, Mr. BALDWIN, Mr. WILLIAM SMITH, and Mr. GILES, do prepare and bring in the same.

Ordered, That a committee be appointed to prepare and bring in a bill to amend the act passed the 8th day of May, 1792, entitled "An act making alterations in the Treasury and War Departments," in such manner as to give the PRESIDENT of the UNITED STATES the same power of temporary appointments to the offices mentioned in the eighth section of the act aforesaid, in case of vacancy, as by the same section is given to him in the cases of death, absence from the Seat of Government, and sickness: *Provided*, That no appointment, made as aforesaid, shall be for a longer term than six months.

And a committee was appointed of Mr. SEDGWICK, Mr. WATTS, and Mr. McDOWELL.

The House proceeded to consider the resolutions, reported on the 4th instant, from the Committee of the Whole to whom was referred the report of the committee respecting the settlement of the accounts of the former Government, and the unpaid balances due thereon; and the said resolutions being amended, were agreed to by the House as follows:

1. *Resolved*, That further and more adequate provision should be made, by law, for the recovery of debts due from individuals to the United States.

2. *Resolved*, That the Comptroller of the Treasury be authorized to issue a notification to any person who has received moneys for which he is accountable to the United States, or to the executor or administrator of such person, if he be deceased, requiring him to render to the Auditor of the Treasury, in a reasonable time, not less than —, nor more than — months, all his accounts and vouchers for the expenditure of the said moneys, comprehending a schedule of all claims of

credit, or, in default thereof, to remain charged with the moneys so advanced; and suits shall be commenced for the same without further notice, and the party subjected to the costs and charges of such suits, whether the ultimate decision shall be in their favor or against them.

8. *Resolved*, That the Marshals of the respective Districts be authorized to serve the said notifications on the parties therein named, by leaving copies thereof at their respective dwellings or usual places of abode: and that the return of the notifications to the Comptroller's Office, with the Marshal's certificate thereon, that service has been made, be deemed legal evidence in the District Courts of the proceedings, and for the recovery of costs and charges.

4. *Resolved*, That, in cases where accounts shall be rendered to the Auditor of the Treasury, within the time limited in the notifications to the Auditor, he shall immediately proceed to liquidate the credits to be passed for the said accounts, and report the same to the Comptroller, with a particular list of any claims for credit which shall have been disallowed by him.

5. *Resolved*, That the Comptroller of the Treasury immediately proceed to the examination of the credits allowed by the Auditor, and, if the same be approved by him, that he cause credit therefor to be passed on the public books.

6. *Resolved*, That a list of such credits as shall have been claimed and not admitted by the Comptroller, be made out and transmitted to the Marshal of the District where the claimant resides, and that a copy thereof be left at the dwelling or last usual place of abode of such claimant, with notice of the time assigned by the Comptroller for the final hearing of the account; of which proceedings the Marshal to transmit an official return to the Comptroller.

7. *Resolved*, In case of an omission or neglect on the part of the claimant to assign reasons, in writing, to the Comptroller, within the time limited, why the suspended credits should be admitted, all future claims therefor to be barred.

8. *Resolved*, In case the claimant assign, in writing, his reason why the suspended credits should be admitted, the Comptroller to be directed to consider the same, and decide thereon, according to principles of equity and the usages of the Treasury Department.

9. *Resolved*, In cases where the final decision of the Comptroller shall have been against the claimant, and where he shall have voluntarily, within — months, submitted his claim to the equitable decision of the Secretary of State, the Secretary of the Treasury, and the Attorney General, the said officers to be vested with authority to hear the claimant and pronounce an award, which shall be final and conclusive to all concerned.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. HEATH, Mr. LYMAN, Mr. FINDLEY, Mr. BALDWIN, and Mr. HARRISON, do prepare and bring in the same.

Mr. SEDGWICK, from the committee appointed, presented a bill to amend the act, entitled "An

act making alterations in the Treasury and War Departments;" which was read twice, and committed.

Mr. BOUNDNOT, from the committee appointed to examine and report on the state of the Mint, and what further measures are necessary to render the institution more beneficial, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" with several amendments; to which they desire the concurrence of this House.

An engrossed bill to amend the act, entitled "An act making alterations in the Treasury and War Departments," was read the third time, and passed.

The House again resolved itself into a Committee of the Whole House on the report of a plan for the reduction of the Public Debt; and, after some time spent therein, the Committee rose and reported progress.

TUESDAY, February 10.

The bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" together with the amendments agreed to yesterday, was read the third time, and passed.

Mr. W. SMITH, from the committee appointed, presented a bill to amend an act "laying certain duties upon snuff and refined sugar;" which was read twice, and committed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same.'" Whereupon,

Ordered, That the said amendments be committed to Mr. GOODHUE, Mr. GILES, and Mr. W. SMITH.

The House again resolved itself into a Committee of the Whole House on the report of a plan for the reduction of the Public Debt; and, after some time spent therein, the Committee rose, and reported progress.

WEDNESDAY, February 11.

Mr. HEATH, from the committee appointed, presented a bill for the more effectual recovery of debts due from individuals to the United States; which was read twice, and committed.

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

The House proceeded to consider the amendment proposed by the Senate to the bill entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage;" and, the same being read, was agreed to.

Mr. SEUGWICK, from the committee appointed, presented a bill for the reimbursement of a Loan authorized by an act of the last session of Congress; which was read twice and committed.

Mr. GOODHUE, from the committee to whom were committed the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" made a report; which was read: Whereupon,

Resolved, That this House doth disagree to all the said amendments.

Resolved, That a conference be desired with the Senate on the subject-matter of the said amendments; and that Mr. GOODHUE, Mr. GILES, and Mr. W. SMITH, be appointed managers at the said conference on the part of this House.

Mr. JEREMIAH SMITH, from the committee to whom was referred the petition of sundry owners of fishing vessels in the towns of Portland and Falmouth, in the State of Massachusetts, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House again resolved itself into a Committee of the Whole House on the report of a plan for the reduction of the Public Debt; and, after some time spent therein, the Committee rose and reported several resolutions to the House: where the same were twice read, amended, and agreed to, as follows:

1. *Resolved*, That provision be made by law for the payment of interest on the principal of the unsubscribed Debt of the United States, (except Loan Office certificates, bearing interest on their nominal value,) at the rate of six per cent. per annum, for one year, ending the thirty-first day of December, one thousand seven hundred and ninety-five.

2. *Resolved*, That the arrears of interest on the unsubscribed Debt aforesaid, be calculated to the end of the year one thousand seven hundred and ninety-five, and that the possessors thereof be entitled to subscribe the same, on loan, to the United States, at an interest of three per cent. per annum. That those who shall not so subscribe, shall receive, on the first day of January, one thousand seven hundred and ninety-six, one-tenth part of the said arrears to them respectively due.

3. *Resolved*, That the holders of Loan Office certificates, which bear interest on their nominal value, be entitled to receive the specie value, together with the interest thereon, at the Treasury of the United States, on demand; but that no interest shall accrue on such certificates after the — day of —.

4. *Resolved*, That a Loan be opened at the Treasury of the United States to the amount of the

whole of the Foreign Debt; and, that for every one hundred dollars of the said Debt subscribed thereto, the subscriber shall be entitled to an addition of one-half of a per centum to the rate of interest to which such stock is now entitled, or to a sum equivalent in capital, bearing an interest of five per cent. per annum. And that the permanent revenues of the United States be pledged for the payment of the interest quarter yearly, at the Treasury of the United States, till the reimbursement of the principal.

5. *Resolved*, That the Commissioners of the Sinking Fund be empowered, with the approbation of the PRESIDENT OF THE UNITED STATES, to provide, by new loans, or by the sale of certificates of stock, bearing an interest of six per centum, for the reimbursement of any instalment or part of the present foreign Debt of the United States: *Provided*, That the principal and interest of such loan and certificates shall be payable at the Treasury of the United States, and the principal thereof redeemable at the Treasury of the United States; and that such conversion of foreign into domestic Debt, shall not charge the United States with an interest of more than half a per cent. in addition to that payable on the Debt so converted. That the interest of the sum redeemed and paid thereof, and the permanent revenue of the United States, be pledged for the payment of the interest on the loans to be made on the stock to be created in virtue of the said powers.

6. *Resolved*, That in addition to the provisions heretofore made for reimbursing and redeeming the Debt of the United States, so much of the fourth section of the act, entitled "An act making provision for the reduction of the Public Debt," as makes a reservation out of the interest on the Debt purchased, be repealed; and, that in lieu thereof a sufficient sum of the duties on impost and tonnage be appropriated for that purpose.

7. *Resolved*, That so much of the revenue arising from the duties on imports and tonnage, as, together with the other moneys now constituting the Sinking Fund, that shall accrue to it by virtue of the foregoing provisions, and the interest redeemed, as shall be sufficient, be appropriated towards the payment of the sum which may of right be annually paid on account of the principal of such funded stock as, on the first day of January, one thousand seven hundred and ninety-six, shall bear an interest of six per cent. per annum, excluding that to the credit of the Commissioners of the Sinking Fund, and that which shall stand to the credit of particular States. And that the same shall continue so appropriated until the whole of the said stock shall be redeemed; and, thenceforth, until the whole of the Debt of the United States, funded and unfunded, shall be discharged.

8. *Resolved*, That the dividends in the stock (the property of the United States) in the Bank of the United States be appropriated to the same fund, reserving thereout, from time to time, so much as shall be necessary to discharge the interest on what shall remain unpaid of the Loan made of the said Bank, pursuant to the eleventh

section of the act of incorporation, with so much of the duties on imports and tonnage as, together with those dividends, (after deducting what may be necessary to pay the interest,) shall be sufficient to pay off the instalments of the said Loan, as they shall hereafter, from year to year, become due; and as, (the said instalments being first paid,) together with any other moneys which, on the first day of January, one thousand eight hundred and two, may belong to the said fund, and not otherwise appropriated, shall be sufficient, from year to year, with the interest redeemed, to pay the sums which may of right be annually paid, on account of the principal of such funded stock as, at the end of the year one thousand eight hundred, shall begin to bear an interest of six per cent., excluding that which may stand to the credit of the Commissioners of the Sinking Fund, and that to the credit of individual States; and continue so appropriated until the said last-mentioned stock, and the instalments of the Loan aforesaid, shall be redeemed and discharged, and the interest of the stock which shall be redeemed by virtue of the foregoing provisions continue to be appropriated to the said fund after the full redemption in such case is completed, until the whole of the present Debt of the United States be redeemed by reimbursement, purchase, or otherwise.

9. *Resolved*, That the moneys arising from the sales of the lands of the United States, and such as shall be received for debts due to the United States antecedent to the present Government, together with the surplus of all current revenues which shall remain unappropriated at the end of any year, be carried to the credit of the same fund.

10. *Resolved*, That, after the last day of December next, all reimbursements of the capital of the Debt of the United States (foreign or domestic,) and of the reimbursement of the Loan had of the Bank of the United States, be made under the superintendence of the Commissioners of the Sinking Fund; and that they be empowered, with the approbation of the PRESIDENT OF THE UNITED STATES, as the instalments of principal become due, to borrow the sums necessary to pay such instalment: *Provided*, That every such loan shall be redeemable at the pleasure of the United States, and the rate of interest shall not exceed six per centum per annum, and be chargeable—

First. Upon the interest of the instalment which shall be reimbursed;

Secondly. Upon the revenue of impost and tonnage, for making good any deficiency.

But the interest on the six per cent. stock redeemed shall not be included.

11. *Resolved*, That the Commissioners of the Sinking Fund be authorized, with the approbation of the PRESIDENT, to borrow, from time to time, such sums, in anticipation of the revenue appropriated, as may be necessary for the payment of the interest on the Public Debt, not exceeding one million in any year, and reimbursable within a year from the time of each Loan; and that the interest on such Loan be defrayed out of the permanent revenue, and shall not exceed six per centum per annum.

12. *Resolved*, That all sums remaining unexpended, after the year one thousand seven hundred and ninety-five, upon any appropriation for more than two years, after the end of the year for which such appropriation may be made, shall be carried to a separate account to be kept at the Treasury; and that a statement of all appropriations shall be reported to the Legislature within thirty days after their first meeting in every year.

13. *Resolved*, That all priorities established by appropriations for the Funded Debt, shall, after the last day of December, one thousand seven hundred and ninety-six, cease with respect to all the creditors of the United States, who shall not, before the said last day of December, one thousand seven hundred and ninety-six, signify their dissent thereto to the Comptroller of the Treasury; and that, after that period, the revenue charged with such appropriations shall constitute a common fund, chargeable with the same debts indiscriminately, excepting only as it may respect such of the creditors as may signify their dissent thereto, in manner aforesaid.

14. *Resolved*, That all Loan Office certificates, final settlements, or indents of interest, now in the hands of any person or persons, shall, on or before the — day of —, be exhibited at the Treasury, where the holders or possessors shall be entitled to receive other certificates of equivalent tenor, in lieu thereof; and if any person shall neglect to exhibit such Loan Office certificates, final settlements, or indents of interest, and to get the same exchanged, he or they shall be forever barred from any payment or acknowledgment for such Loan Office certificate, final settlement, or indent of interest.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. WILLIAM SMITH, Mr. AMES, Mr. FREZSIMONS, Mr. DUVAL, and Mr. NICHOLAS, do prepare and bring in the same.

Mr. DAYTON, from the committee appointed, presented a bill for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill for the reimbursement of a Loan authorized by the act of the last session of Congress; and after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

TAX ON CARRIAGES.

It was moved by Mr. BEATTY, that a committee should be appointed to report whether any, and what alterations are necessary in the act for laying a tax on carriages for pleasure, and to report a bill, with such alterations as may be necessary in the same. Agreed to.

On this occasion, Mr. BEATTY observed, that he had, some few days ago, when the resolution for extending the time of limitation to certain excise acts passed last session, was under consideration,

FEBRUARY, 1795.]

Organization of the Militia.

[H. OF R.]

contradicted what fell from his colleague. [Mr. BOUNDNOT.] that the law "laying duties upon carriages" was popular in the State of New Jersey. It was (said Mr. B.) the very reverse of that, and, of consequence, he could, by no means, assent to the prolongation of that act to the year 1801. The House having, however, agreed to the extension of this act to a distant period, he now thought it was a duty he owed to his constituents to bring forward a proposition for the revision of that law. This he was now desirous of submitting, and he repeated that the act in question was generally disliked by the citizens of the State from whence he came; and, in some parts, it was so obnoxious, that, were it not for the patriotism and love of order which his constituents had at all times manifested in their conduct, he would not have been answerable that the duties arising under that law could have been collected. He was ready, however, to admit, that great part of the dissatisfaction had arisen from the injudicious mode of execution adopted by the Supervisor, who had, perhaps, discovered more zeal than understanding in the construction of this law.

Mr. B. had no great objection to the principle of the law, but he thought it was defective in two points, and was susceptible of amendment, so as to render it more agreeable to his constituents. The enacting clause is not sufficiently minute in the description of the carriages subject to taxation, and, in some instances, the terms used were of an equivocal nature. To prove the first, he need only mention that, notwithstanding the protection afforded by the proviso, in the first section, to carriages for "domestic purposes," yet the market wagons of New Jersey had pretty generally been subjected to the duty; and, as an instance of the second, he said that the term "coachec," used in the law, appears to have no appropriate meaning. Before the passing of this law, he had reason to believe that three-fourths of the carriages in use in this city were of this description; and now, it seems, by some new definition of the law, that not one in four are of that species of carriage, but are returned to the Collector and pay a tax only of two dollars, on the same scale with the market wagons of New Jersey. But the law (Mr. B. observed) was materially defective in another point. In cases of doubt, what carriages are within the exempting description, there is no summary mode of determining—what carriages are "usually" and "chiefly" "employed in husbandry," but every disputed case must be the subject of a suit in all the legal forms. This was highly objectionable, both on the grounds of delay and expense, and had no doubt occasioned the payment of the tax, in a variety of instances, where the parties were conscious they were within the exempting clause, but had preferred to pay the two dollars rather than to contend with the Collector in a suit at law. He hoped, therefore, the House would readily agree to remedy these defects, and would appoint a committee for that purpose.

And a committee was appointed of Mr. BEATTY, Mr. NEW, and Mr. HILLHOUSE.

And the House adjourned.

THURSDAY, February 12.

An engrossed bill for the reimbursement of a Loan authorized by an act of the last session of Congress was read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the report of the Committee to whom were referred the laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, 1792; and, after some time spent therein, the Committee rose and reported a resolution thereupon; which was twice read, amended, and agreed to by the House, as follows:

Resolved, That all the laws passed by the Secretary and Judges of the Territory of the United States Northwest of the river Ohio, on the first day of August, one thousand seven hundred and ninety two, be disapproved, excepting a law, entitled "An act to repeal certain parts of an act, entitled 'An act creating the office of Clerk of the Legislature.'"

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FINDLEY, Mr. GREENUP, Mr. HUNTER, Mr. McDOWELL, and Mr. COIT, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act concerning invalids," with several amendments; to which they desire the concurrence of this House.

ORGANIZATION OF THE MILITIA.

The House then went into a Committee of the Whole on the bill to provide for organizing, arming, and disciplining the Militia of the United States.

The first clause of the bill was in these words:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passing of this act, the Militia of the United States shall be composed of all able-bodied white male citizens, of the respective States, resident therein, who shall, respectively, be of the age of twenty years, and under the age of forty years; that the said Militia shall be divided into two classes—the first class to be denominated the select corps of the Militia of the United States. The select corps of the Militia of the United States shall be composed of all able-bodied white male citizens, respectively, who shall be of the age of twenty years, and under the age of twenty-five years. The reserved corps shall be composed of all able-bodied white male citizens, respectively, who shall be of the age of twenty-five years, and under the age of forty years: *Provided*, That, in the choice of officers, either in the select corps, or reserved corps, no respect shall be had to the limitations of age aforesaid; the foregoing regulations to be subject, however, to the exemptions hereafter specified."

It was moved to strike out this clause.

Mr. S. SMITH did not know the state of the Eastern militia, but that of the Southern States was totally useless for the professed purposes of the institution. The officers durst not, for a considerable time, have marched them against an enemy, during the late insurrection, if it had not been for a general idea that there would be no re-

sistance. But this extreme deficiency had made several gentlemen turn their thoughts to that point, and to reflect on the absolute necessity for a proper militia. By the present law, you will have an hundred thousand young men, with arms in their hands, and knowing how to make use of them. They will, by rules laid down in this act, learn not only their exercise, but the essential duty of taking care of themselves, of cooking, and of lodging themselves. From the want of this knowledge, the militia in the Revolutionary war, suffered much, and carried home from the camp contagious diseases that swept off whole families. What would be the behaviour of Britain, if she knew that you had an hundred thousand young men, well armed? She would not stop your ships on the seas, when there was not some real occasion, if she knew that the States to the east of the Hudson could instantly march thirty thousand men into Canada. Spain, on the Southwestern frontier, would be equally cautious, for fear of the militia of Kentucky and the Southern States. There would be no need of ever pulling a trigger. The Ministers of foreign Powers would inform their Governments of your internal strength, and they would be sufficiently careful. Everybody will tell you that the present time for keeping the militia embodied is too short. Instead of four days, Mr. S. supposed they would recommend eight. But this also was only trifling. At present, the day of exercise concluded with horse-racing, cock-fighting, and wrestling. Since the end of the late war, he always had in his head a plan of a militia, on something of that kind that is now before the Committee. In the war, he had seen much of them, and they were always very defective. He had formerly seen the Eastern militia. They were not good soldiers, though they were excellent materials for making them out of. He was particularly interested that this resolution should pass. The Government must either have a good militia or a standing army; for, the present militia, at least in the Southern States, do not deserve that name; and a militia was more agreeable to Republican principles. He endeavored to prove that the resolution was economical.

Mr. SEDGWICK observed, that two systems presented themselves to the consideration of the Committee. The first, that of compelling every citizen, capable of performing the duties of a soldier, to arm himself, or to receive arms, to be in readiness to be called forth in defence of his country. The other, that of selecting a part of those capable of performing military duties, and to have them educated and disciplined in such manner that they should be first called forth, and, in some degree, prepared to act as soldiers. He had the honor to be one of the committee which had reported the bill. He did not intend to pledge himself, at present, to vote either for or against the principle of forming a select corps. But he would take the liberty of stating to the Committee a few ideas, which ought to be taken into consideration to form an estimate of the merits of the proposed system. There were (he said) no accurate data from which the expense of the proposed system

could with accuracy be computed. He was, however, induced to believe the proposed select corps would amount to 120,000. Gentlemen who know better than himself had informed him that their arms and accoutrements would amount to ten dollars per man, making - - - \$1,200,000
 Their clothes to twelve dollars per man 1,440,000
 The rations, excluding all except the time while in service in the field, would amount to 2,400,000, which at ten cents per ration, would be - 240,000
 Add for extra expenses of cavalry, tents, &c. - - - 30,000
 The value of the time was not, indeed, to be paid out of the Treasury, but it was a loss to the productiveness of the public, and not less than four dollars for each man - - - 480,000
 Total - - - - \$3,390,000

He would admit that the public faculties were equal to such an exertion; but whether the utility of the system would compensate for the burden to be endured, was for the Committee to determine. That the estimate did not exceed the truth, experience, if it should ever be had, he believed, would verify. To put this system in operation would then, the first year, be equal to a contribution of \$3,390,000. This, it ought, however, to be observed, would not be the annual expense, for the value of the arms and clothing which might be returned, after deducting the wear and tear, ought to pass to the creditor side of the expenditure. There were some other circumstances which would result from this system, which had occurred to his mind as necessary to be considered: the loss which the community would sustain, by interrupting, annually, for so considerable a portion of time, in the most profitable and productive period of life, all the necessary and useful occupations of labor, would produce effects worthy the mature reflection of the Committee. In Sparta, the only country where an attempt had been effectually made to create a whole community of soldiers, the existence of slavery rendered labor disgraceful to citizens. They were, of course, very unlike the yeomanry of America, whose labor is equally required to continue their virtuous habits and to promote the happiness of our country. He would not declare that the alteration might not be beneficial, but he had no hesitation in pronouncing that it would produce a new state of society. Another consideration he would suggest to the deliberation of the Committee. It was, he believed, impossible to calculate what effect on the simplicity and sobriety of the morals of the rising generation might be produced, by congregating, in large numbers, youth without experience, unrestrained by that control to which it had been habituated.

Mr. LYMAN vindicated the military character of the militia of Massachusetts.

Mr. HILLHOUSE feared the worst consequences from calling out an hundred thousand young men. Some of them would be journeymen; others newly married. They would be forced to leave their

FEBRUARY, 1795.]

Organization of the Militia.

[H. OF R.]

employment, and lose their customers, who, in their absence, would employ others. The militia had been very useful in the last war. They took Burgoyne. Mr. H. was satisfied that if any other Power attacked America with regular forces, it would be found requisite to defend her with the same. No militia could supply the place of regulars, when attacked by troops of that kind. The present law would have a very bad effect on the morals of youth. It would be wrong to have an army all of young men, from the age of twenty to twenty-five. It would be better to have some old men among them.

Mr. PAGE feared that the expense would be enormous, and that it would be difficult to teach a militia the military discipline very exactly; but, if once they came in sight of an enemy, and in actual service, they would soon learn.

Mr. IRVING said, that in his part of the country, besides the four days of mustering, there were usually two or three days of preparing, as the sweethearts of the young men usually attended. He knew that the gentleman who spoke last had been in the service, but he could not guess where he had picked up the information that eight or ten hours in the neighborhood of an enemy's camp would make a man a soldier. If something is not speedily done, we shall be in the same situation as in 1794, when the country depended entirely for discipline on the British officers who had retired from service, and on the sergeants among British deserters. He was in favor of the resolution.

Mr. WADSWORTH had been one of the select committee on this bill, and it might therefore be expected that he should have something to say about it. He hoped that the section would not be stricken out because it is not perfect. Though one of the committee, he did not like the whole of the system reported. But, sir, said Mr. W., there never was a bill reported to this House which was so perfect as not to require modification. If the question before the Committee were, whether this report shall all go into a law, I would vote against it; but I believe the principle contained in the section to be absolutely necessary for the having such a militia as may be useful to correct any sudden insurrection or any foreign enemy. Much has been said of the late expedition against the Western insurgents; but was this the militia of the law? No, sir. In every State but one, from which they were drawn, it was not the militia of the law, drawn out by the militia law. It was a volunteer militia, influenced by their feelings, or by private bounties, in favor of Government. Mr. W. here asked, what a Government has to boast of with such a militia? Is it safe for any Government to rely on private, individual influence, to protect it against its enemies, whether foreign or domestic? No; it is dangerous. The same influence may be turned against the Government. If the present loose militia law has (and Mr. W. said that he knew it had) produced in Massachusetts a good militia, it has not done so here; nor, indeed, in any but a very small part of the United States. If the clause be struck out, we give over every hope of mending our militia law;

and we must remain as we are, in a loose, deranged, uncertain situation. Mr. W. did not, by any means, approve the modifications of this bill. He did not wish for half, nor even a third part of the numbers which this bill would place in the select corps. The active militia in the late expedition might be boasted of, and have great merit, but they were not brought into the field by the law, but were the militia mostly of volunteers, or of private influence. The Government has great obligations to them, but the militia law, as it now is, would not produce an Army; and, if it remains so, the Government can hope but little from it, but, in any extremity, must depend on a militia of private influence. Mr. W. wished that the clause might stand, and, as in all other bills reported to this Committee, that such amendments might be made as to put the Government in possession of a force which can be relied on, and not to remain dependent on a force of individual influence.

Mr. TRACY was against striking out the clause. He imagined that it would be giving up all pretence to a reformation, which was much wanted.

Mr. HEATH was satisfied, that we had as much need of a new militia as we formerly had of a new Constitution, instead of the old rope of sand, a Confederation. He had seen militia going out to exercise, both officers and men, in a most careless and indifferent manner, with sticks, canes, and whips, and not one firelock among four of them. Was this the way to get a militia? Was this the sort of thing that the Continent, in an hour of foreign or domestic danger, was to look up to? The clause may require to be modified, but it ought most certainly to be kept in. The greatest losses in the last war came from want of training the militia properly.

Mr. GILES also was against the striking out. He hoped that gentlemen would let it go, and the bill have an experiment. He had not experience in the militia, but he had experience in committees, on the subject, for he had been on them for three or four years past.

Mr. SWIFT urged several objections to a select corps. He was entirely opposed to the report.

Mr. S. SMITH had formerly spoken of the militia of Maryland, whom he commanded in the late expedition, and he believed that those of Virginia were nothing better, if not rather worse. He mentioned an advice given by somebody, of not going near the water till you have learned to swim. The Virginia officers treated their soldiers pretty severely, for they very soon began to tie them up and give them an hundred lashes. He then attacked Mr. SEDGWICK, upon his calculations as to the expense of an hundred thousand militia. The arms would cost nothing, for you have them already, in the repositories of the United States. Here were a million of dollars struck from the account. The tents that we have, will do, without new ones. As to camp equipage, such as kettles, tins, and so forth, one half of these expenses of the late expedition might have been saved, if these things had been in proper readiness; and if the law now proposed had then existed, this sum would

H. OF R.]

Military Establishment.

[FEBRUARY, 1795.]

have been saved. He noticed that many people, since returning from the Westward, had died of diseases contracted in the expedition, and which arose from ignorance how to take care of themselves. As to the coat, said Mr. S., sir, I voted against the coat, in the select committee, and the gentleman from Massachusetts voted for it; and now again he objects to it. The rations came next. They were guessed, and he believed with some accuracy, at two hundred thousand dollars per annum. And is a good, effective militia, of an hundred thousand young men, worth less than two hundred thousand dollars a year? Mr. S. said, that he would be greatly hurt at going out again, if it so happened, at the head of such a militia as the present. As to the scruples about bringing so many young men together, Mr. S. regarded this as the best time of life to do so. The whole was only twenty days in the year, for five years, and surely a man will not grudge an hundred days of a whole life-time, that are spent in learning to defend so admirable a Government. He thought that it would be well to employ the old officers of the Revolutionary war, as long as you have them, in training this select corps. They are dropping fast off, and then you must import drill-sergeants from other countries. Alluding to the remarks on expense, by Mr. SEDGWICK, he said, that it was becoming the practice for gentlemen in that House to bring in a set of desultory observations, and then deduce unfair conclusions. He well remembered when, in last session, a gentleman from Virginia proposed a set of resolutions, that have since been called MADISON'S resolutions. Mr. S. was opposed to them. But it was said, that they would involve America in a war with Britain. This story answered its purpose both without and within doors, but Mr. S., who was against the resolutions, had always considered this part of the objections to them as the most ridiculous thing imaginable. Mr. HILLHOUSE had regretted that old men were not to be admitted into the select corps, for the sake of preserving the morality of the younger classes. I would ask that gentleman, said Mr. S., whether he is more moral than he was twenty-five years ago? It is the old that corrupt the young. [This observation produced a general smile.] Mr. S. would have no scruple of trusting his own son in such a corps. He noticed that the English militia, whom he had seen before the war, were as well disciplined, in his opinion, as the regulars; but then they were just as much at the beck of the Crown as the regulars.

Mr. HILLHOUSE vindicated his objections to the select corps being composed of men from twenty to twenty-five years of age. He did not like to cut down the old tree, till he knew whether the young one would grow. What if the young tree should not grow, and we had cut down the old one? We should then be much worse off than we are now, because we should have nothing at all, and the present militia were at least much better than nothing.

Mr. SEDGWICK rose to explain, relative to his voting in the select committee for coats to the select corps, and then arguing in the present Com-

mittee against the whole scheme. He complained that Mr. S. SMITH had spoken as if in anger. He, for his own part, never wished to point out the inconsistencies of gentlemen. Since he was now so hardly pressed, he would ask the member [Mr. SMITH] how it happened, that, when stating the expenses and resources of the Union, a few days ago, he had omitted eight hundred thousand dollars a year, that must be paid on different Loans? Mr. S. read the particulars from a memorandum before him, and insisted that the gentleman ought not to bring forward, at this time, what had passed in a select committee.

Mr. GILES and Mr. S. SMITH both rose together. The former declared that the gentleman was certainly out of order. The latter asked him, whether this affair of the eight hundred thousand dollars had any reference to the resolution before the Committee?

It was now generally requested that the Committee might rise. It was granted, and the Chairman asked leave to sit again.

FRIDAY, February 13.

A memorial of Amelie, Adelaide, Melanie, and Silvie de Grasse, four daughters of the late Count de Grasse, now residing at Salem, in the State of Massachusetts, was presented to the House and read, praying a loan of money for their present subsistence; the effects which they brought from France being exhausted, and having no other means of support, but in property in the Island of St. Domingo, from which, under present circumstances, no supplies can be drawn.

Ordered, That the said memorial be referred to Mr. AMES, Mr. MADISON, and Mr. GILMAN, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That the petition of Isaiah Thomas, returned on the 5th ultimo, by the Secretary of the Treasury, be referred to Mr. MURRAY, Mr. WATTS, and Mr. KITTERA; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act supplementary to the act concerning invalids;" and, the same being read, was agreed to.

MILITARY ESTABLISHMENT.

The House went into a Committee of the Whole on the bill for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject.

In reading the several clauses of the bill, various objections were made.

The following is a copy of the third section:

"And be it further enacted, That the Legion of the United States be also completed to the number of four thousand eight hundred non-commissioned officers, privates and musicians, by voluntary enlistments for the term of three years, and that the sub-Legions composing the same be organized in such a manner as the President of the United States shall direct."

FEBRUARY, 1795.]

Military Establishment.

[H. OF R.]

An amendment was moved by Mr. MADISON, which was, that the troops should only be employed for the protection of the frontier.

Mr. GILES was against intrusting the PRESIDENT with any discretionary power as to where the troops were to be employed.

Mr. FITZSIMONS said, that he had enjoyed the honor of a seat in that House ever since the beginning of the Government. He had noticed with attention the progress of the standing army, and he had seen that many members, who from the first had been against it, were, from experience of its necessity, now for it.

Mr. WADSWORTH did not know a county in New England which could not destroy the little standing army of America in an hour. He had at first been the only man for regular troops, and now gentlemen who had been against this army were for it. There is a good militia in Massachusetts, but some time ago there passed a milk-and-water law in Congress, with hardly a New England vote to it, and since that time there have been no hopes of a good militia. As to the present amendment, it had been inserted in former laws, and never had hindered the regulars from marching any where that was thought proper. The amendment had done no good before, and he had no hopes of its doing any now. He was sorry for this little standing army, for it never comes before the House without meeting a rub. It has more to fear from its friends than from its enemies. Some people pretend to be jealous of the New England members, as attached to a standing army. The reason why they are so is, that they despair of ever seeing a militia, that will be worth one farthing. It had been said by Mr. GILES, that a party in the House wanted to employ the army as an instrument for executing the laws. If by this was meant preventing the whites from encroaching upon the Indians, and for suppressing insurrections, he hoped it would always be so; but, if this meant that the standing army should assist in the ordinary execution of the law, he hoped that it would not be needful, and that they would not do it. He would not say again, what he had said yesterday, as to the militia, but only this, that a militia raised by individual influence was more formidable to the United States than a standing army ever could be. He thanked God that the Government of the country was not left entirely to the House of Representatives, for he believed that they would make most wretched work of it. There were other branches likewise. As to weakening the army for fear that it should enslave us, he thought it like a man blunting the edge of his axe, for fear that he should cut his foot with it.

On dividing on this amendment, there were only twenty-six yeas.

Mr. GILES then moved, as an amendment, at the end of the third section, that "no enlistment shall be made after three years from the time of passing this bill."

Mr. HILLHOUSE could see no harm in this motion of Mr. GILES. It was agreed to.

The Committee rose. The bill, with the amendments, was reported to the House.

A motion was then made and seconded, further to amend the said bill, by striking out of the 15th section, the words "and that it shall also be lawful for him," and inserting, in lieu thereof, the words "that the legion shall be reduced to the number of two thousand five hundred men, and the proportioned number of officers, whenever there shall be a peace with the Indian tribes; and that it shall be lawful for the PRESIDENT OF THE UNITED STATES;" And it passed in the negative—yeas 25, nays 58, as follows:

YEAS.—Theodorus Bailey, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, William B. Giles, William B. Grove, George Hancock, Carter B. Harrison, Aaron Kitchell, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Anthony New, John Nicholas, John Page, John Smilie, Israel Smith, Thomas Tredwell, Abraham Venable, and Paine Wingate.

NAYS.—Fisher Ames, John Beatty, Lemuel Benton, Elias Boudinot, Benjamin Bourne, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, George Dent, Gabriel Davall, Benjamin Edwards, William Findley, Thomas Fitzsimons, Dwight Foster, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Robert Goodloe Harper, Thomas Hartley, John Heath, James Hillhouse, William Hindman, Samuel Holten, John Hunter, William Irvine, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Francis Malbone, Alexander Mebane, William Montgomery, Andrew Moore, William Vans Murray, Joseph Neville, Nathaniel Niles, Alexander D. Orr, Andrew Pickens, Francis Preston, Thomas Scott, Theodore Sedgwick, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaaabeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, Benjamin Williams, Richard Winn, and Joseph Winston.

Another motion was then made further to amend the said bill, by adding to the end of the first section the following words: "for the protection and security of the United States against foreign invasion, and against the Indian tribes;" And it passed in the negative—yeas 36, nays 44, as follows:

YEAS.—Theodorus Bailey, Lemuel Benton, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Isaac Coles, Henry Dearborn, Gabriel Davall, Benjamin Edwards, William Findley, Nicholas Gilman, Christopher Greenup, William Barry Grove, Carter B. Harrison, John Heath, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, John Page, Francis Preston, John S. Sherburne, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Henry Glenn, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Hunter, William Irvine, John Wilkes Kittera, Amasa Learned, Francis Malbone,

H. OF R.]

Debt due the Government.

[FEBRUARY, 1795.]

William Montgomery, William Vans Murray, Joseph Neville, Alexander D. Orr, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Paine Wingate, and Richard Winn.

Ordered, That the said bill, with the amendments agreed to, be engrossed, and read the third time to-morrow.

SATURDAY, February 14.

An engrossed bill for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject, was read the third time and passed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill making further provision for the support of Public Credit, and for the reduction of the Public Debt; which was read twice and committed.

Mr. TRACY, from the Committee of Claims, to whom was referred the petition of William Seymour, made a report; which was read. Whereupon,

Resolved, That William Seymour be placed on the list of invalid pensioners, as being entitled to the half-pay of a Captain, in lieu of his present pension, to commence on the 5th day of March next, to be paid in the same manner, and at the same times, that invalid pensioners are now paid.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that the Committee of Claims do prepare and bring in the same.

Mr. BOUDINOT, from the committee to whom was referred the report of the Attorney General of such tables of fees and regulations as are proper to be established for the Courts of the United States, made a report; which was read. Whereupon,

Resolved, That the table of fees reported by the Attorney General be printed for the use of the members; and the consideration thereof be referred to the next Congress.

Resolved, That a committee be appointed to bring in a bill to continue the act, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."

Ordered, That Mr. BOUDINOT, Mr. KITTERA, and Mr. SHERBURNE, be a committee pursuant to the last session.

Mr. CORT, from the committee appointed, presented a joint resolution, respecting certain laws of the Territory of the United States Northwest of the River Ohio, passed the first day of August, 1792; which was read twice, and committed.

Mr. DAYTON, from the Committee of Elections, to whom were referred the credentials of Aaron Kitchell, and of Robert Goodloe Harper, returned to serve as members of this House in the room of Abraham Clark and Alexander Gillon, made a report, as follows:

"That it appears, from a certificate signed by the

Governor of the State of New Jersey, and under the seal of the said State, that Aaron Kitchell was duly elected to serve in the House of Representatives of the United States, in the room of Abraham Clark, deceased. That it also appears, from a certificate signed by the Governor of the State of South Carolina, with the seal of the said State annexed, that Robert Goodloe Harper was duly elected to serve in the House of Representatives of the United States, in the room of Alexander Gillon, deceased.

"*Resolved*, as the opinion of the committee, That Aaron Kitchell is entitled to a seat in this House, as one of the Representatives for the State of New Jersey, in room of Abraham Clark, deceased.

"*Resolved*, as the opinion of the committee, That Robert Goodloe Harper is entitled to a seat in the House, as one of the Representatives for the State of South Carolina, in the room of Alexander Gillon, deceased."

The report was twice read, and agreed to.

DEBTS DUE THE GOVERNMENT.

The House, on motion of Mr. HEATH, went into a Committee, on the bill for the more effectual recovery of debts due from individuals to the United States.

The first section, which produced a debate of some length, was in these words:

"*SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller of the Treasury be, and is hereby authorized to issue a notification to any person, who has received moneys, for which he is accountable to the United States, or to the executor or administrator of such person, if he be deceased, requiring him to render to the Auditor of the Treasury, within ——— months, all his accounts and vouchers for the expenditure of the said moneys, comprehending a schedule of all claims of credit, or in default thereof, to remain charged with the moneys so advanced; and suits shall be commenced for the same, without further notice: And the party sued as aforesaid, shall be subject to the costs and charges of such suits, whether the ultimate decision shall be in their favor or against them."

It was moved to strike out the last sentence, and to insert in lieu thereof an amendment, signifying that the defendant shall not recover costs.

Mr. BOUDINOT stated the very great difficulty of getting a settlement at the Treasury of the United States, on which account he himself had been put to the utmost difficulties, as well as many other persons with whom he was acquainted. This clause required that all vouchers should be lodged at the Treasury. Mr. B. had known vouchers lodged at the Treasury. The persons again called for them, with the official receipts, but in the course of years could not get them back again. It was on this account entirely tyrannical to attempt to make people lodge vouchers in such a place, where, by the loss of the papers, or their being mislaid, the parties concerned might be reduced to utter ruin. He was equally averse to the making of a new law for debtors of the State. This objection referred to the concluding clause of the section.

Mr. HILLHOUSE vindicated the character of the officers of the Treasury.

FEBRUARY, 1795.]

Debts due the Government.

[H. OF R.]

Mr. BOUNDNOT explained that his complaints went only to blame the management under the old Constitution, but things had been left then in a state of inextricable confusion.

Mr. WADSWORTH would not oppose the bill altogether, because he was very willing that public money should be, if possible, recovered, but he could see no occasion for new and arbitrary laws, to recover it. He believed that out of every twenty debtors found in the books of the Treasury, not five would be found to owe a farthing. He knew many persons who had received discharges in full at the Treasury, and who, as he had no doubt, were still standing charged with large sums in the books. He considered the clause to be a clause of tyranny and violence. He entered into a detail of the frauds committed on the creditors of the public during the war, from the villany of agents and speculators, who crowded over Congress itself. At the Treasury, clerks were changing every day, and such a scene of book-keeping was exhibited there, as never had been seen any where else. Officers had come to this city with claims consisting of but a single line, and had to wait a long time, and borrow money to support themselves, and could not get the plainest account settled. Many honest men had been forced to settle in such a way, that they were reduced to beggary and sent to jail; and, from particular circumstances, the most honest men fared worst. He had seen all these things. He had felt them. He had paid, very fully, for this part of his knowledge. He mentioned a person who was sent from this city to New Hampshire to get fifty thousand dollars that were due to him. When he went there, he was told that there was nothing in the Treasury. He came back to Philadelphia, and, at the end of two years, he was forced to accept of depreciated paper, and the payment was stated to the public as made in specie. Mr. W. could not help protesting against this clause, when he knew of so many people who had been ruined by their connexions with the Treasury. He had escaped ruin, but others were not so lucky.

Mr. HULLHOUSE did not approve the manner in which the gentleman last up spoke of the Treasury, nor of the hardships said to be imposed by this law.

Mr. HEARN had the highest respect for the gentleman from Connecticut, and wondered how he could think it possible that an act of tyranny could pass under the present mild Government, which was the admiration of the world. His facts were specious, but fallacious, being drawn from the disastrous period of the war.

Mr. WADSWORTH replied, that he did not, indeed, expect to have heard of an act of tyranny under this Government, but an act of tyranny this clause most certainly was, and unfit for such a Government, and till it had passed into a law, he should continue to call it tyrannical. When passed, he would no doubt submit to it, but his inward opinion would still be the same, and his heart would continue to feel it as oppression. If I thought (said Mr. W.) that, by standing here,

and speaking on till the fourth day of March, I could prevent this clause from passing, and that I should not fall down with fatigue, I declare that I would rather speak on, than consent to the passing of the bill, as it now stands. The gentleman from Virginia says, that my facts are specious and fallacious. Facts, however, they are, and if they must go out to the world, rather than they should go out as specious and fallacious, I will, myself, take the trouble to verify them from the public records.

Mr. BOUNDNOT knew that there had been men laboring for fourteen or fifteen years to get a settlement with the Treasury, and could not accomplish it. Their accounts were in such a condition that it would require the most expert accountant that ever was in the service of the Union, a year or two to clear them up. He himself had been laboring for ten years to get an account settled, and could not. Other accounts he had wearied himself in attempting to get ended, till he went to the office, and declared he would not quit it till the matter was finished.

Mr. LYMAN wondered that any body would venture to call a bill before the Committee tyranny. The present Secretary of the Treasury had said that these old accounts were in such a confused situation, that the law, as it now stands, would not do to get them cleared up. It would be better, Mr. L. thought, to make a conflagration at once.

Mr. WADSWORTH rose a third time. He would not thus trifle with the patience of the Committee, if something of this kind had not really been becoming fashionable. A gentleman had wondered how any body would call a bill before that House tyrannical. It was yet only before the Committee, and, therefore, he conceived himself at liberty to call it what he thought it. Much had been said to day about the opinions of gentlemen in the Treasury. But the other day, the tone was quite different. We were legislators, and not to receive opinions or information from any body. As to burning the books, Mr. W. did not approve of that either. It would be much better to let matters go on as they are. Mr. W. said, that, for his part, there was nobody who stood more independent than he did, either as to public or private money. He was all open, and ready to meet and answer every demand of every sort, that the world could bring against him. He had brought more public money to be accounted for than any man in that House; so that nobody could suppose him averse to getting justice done to the public from their debtors. He should feel, if the act passed as it now stands, that it was tyranny against many worthy men who had been injured by the public.

The amendment was on a division negatived, and the clause went through, in substance as above. Some verbal amendments were made. The bill was then reported to the House, and agreed to, and ordered to be engrossed for a third reading on Monday.

MONDAY, February 16.

An engrossed bill for the more effectual recov-

H. of R.]

Public Supplies—Promulgation of the Laws.

[FEBRUARY, 1795.]

ery of debts due from individuals to the United States, was read the third time, and passed.

An engrossed resolution, in the form of a concurrent resolution of the two Houses, respecting certain laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred and ninety-two, was read the third time, and, on the question put thereupon, agreed to by the House, as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws made by the Secretary and Judges of the Territory Northwest of the river Ohio, on the first day of August, one thousand seven hundred and ninety-two, excepting a law, entitled "An act to repeal certain parts of an act creating the office of Clerk of the Legislature," be, and the same are hereby disapproved.

A memorial of sundry manufacturers of snuff, in the town of Baltimore, was presented to the House and read, praying that so much of the act passed at the last session of Congress, laying duties upon snuff and refined sugar, as imposes a duty on snuff manufactured within the United States, may be repealed. Also,

A petition of the manufacturers of snuff in the town of Boston, to the same effect.

Ordered, That the said memorial and petition be referred to the Committee of the Whole House to whom is committed the bill to amend an act, entitled "An act laying certain duties upon snuff and refined sugar."

A petition of sundry merchants and mariners of the town of Wiscasset, in the State of Massachusetts, was presented to the House and read, praying that a light-house may be erected on Damas-cove Island, instead of the one intended to be placed on Seguin Island, in the said State.

Ordered, That the said petition be referred to Mr. DEARBORN, Mr. WINGATE, and Mr. SUERBURNE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. GOODHUE, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill entitled "An act supplementary to the act entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" made a report: Whereupon,

Ordered, That the said bill, with the amendments, do lie on the table.

Mr. BOUDINOT, from the committee appointed, presented a bill to continue in force the "Act for ascertaining the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" which was read twice, and committed.

Mr. MURRAY, from the committee to whom was referred the petition of Isaiah Thomas, made a report, which was read, and ordered to lie on the table.

The bill for the more effectual recovery of sums due by individuals to the United States, was read a third time, and passed.

PUBLIC SUPPLIES.

The House then went into consideration of the act from the Senate respecting the establishment of a Purveyor of Stores. The question was put, Shall this bill be read a third time? This was agreed to, and the bill was then read.

Mr. NICHOLAS supposed that this officer could only be of effective use in one part of the country at one time, and wherever he was not, it would still be as necessary as formerly to do the business by agency, and he imagined that after the appointment of this Purveyor, it would be as requisite as it had hitherto been, to advertise for contracts. His own opinion could be of little value compared with that of some other gentlemen who had recommended the thing, but it was his duty to state his doubts.

Mr. CARNES had been of opinion at first, that the office was unnecessary. The Committee had made every requisite inquiry. The Secretary of the Treasury had informed them that he had found this office a burden too heavy on him. It had been the opinion of the majority of the Committee that it was proper.

On a division the bill was passed—ayes 40, noes 35.

PROMULGATION OF THE LAWS.

The House then went into a Committee on the report of the Select Committee on the further promulgation of the laws of the United States.

The various clauses underwent a very long discussion, and several verbal amendments. The clause relating to the publishing of the laws in the newspapers, and in the German language, produced each of them a discussion of some length.

Mr. HILLHOUSE said, that as to the printers, any man in the United States would print the laws annually for ten dollars. They are at present glad to get them to print for nothing. It was, in opposition to this, remarked, that the daily papers only could print the laws within a reasonable time; and the circulation of them was chiefly confined to a few large towns, where there were other and more expeditious ways of acquiring a knowledge of the laws; and that, as to ten dollars per annum, it was a sum too diminutive to be the smallest object with any printer.

In favor of printing part of the edition of laws in the German language, Mr. HARTLEY said it was perhaps desirable that the Germans should learn English; but if it is our object to give present information, we should do it in the language understood. The Germans who are advanced in years cannot learn our language in a day. It would be generous in the Government to inform those persons. Many honest men, in the late disturbances, were led away by misrepresentation; ignorance of the laws laid them open to deception, when some counties in a neighboring State, and one or more in this, uninformed as to the nature of our laws, were in a state of in-

FEBRUARY, 1795.]

Promulgation of the Laws.

[H. OF R.]

surrection. He considered it his duty to support the motion. It had been the practice in Pennsylvania to publish the laws in English and German. Good consequences had resulted from it.

Mr. KITTERA, and several other gentlemen, spoke on the same side of the question.

Mr. MURRAY said, that it had never been the custom in England to translate the laws into Welsh or Gaelic, and yet the great bulk of the Welsh, and some hundred thousands of people in Scotland, did not understand a word of English.

Mr. BOUDINOT was on the same side of the question.

The Committee went through the report. The Chairman reported the resolutions to the House, which were agreed to as follows:

Resolved, That there be printed, under the direction of the Secretary of State, a complete edition of — copies of the laws, to the close of the present session of Congress, to include the Constitution of the United States, the public acts which are now in force, and the treaties; and that they be divided among the respective States, and the Territories Northwest and South of the river Ohio, according to the rule for apportioning Representatives: that the number allotted to each State or Territory be transmitted to the Governor or Supreme Executive Magistrate thereof, in order to be deposited in fixed and convenient places in each county or subordinate civil division, as the Executive or Legislature of such State or Territory may judge most conducive to the general information of the people.

Resolved, That a like number of the laws passed at each succeeding session, and of all future treaties, be printed and distributed as above directed.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. BALDWIN, Mr. MOORE, Mr. HEISTER, Mr. HUNTER, Mr. MACON, Mr. MURRAY, Mr. LATIMER, Mr. BEATTY, Mr. GILBERT, Mr. ORR, Mr. SWIFT, Mr. MALBONE, Mr. ISRAEL SMITH, Mr. DEXTER, Mr. WINGATE, and Mr. WHITE, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; and, after some time spent therein, the Committee rose and reported several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

TUESDAY, February 17.

An engrossed bill to continue in force the act "for ascertaining the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," was read the third time, and passed.

An engrossed bill to repeal part of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," was read the third time, and passed.

Mr. DEXTER, from the committee appointed, presented a bill to amend the act, entitled "An act respecting the Government of the Territories of the United States Northwest and South of the river Ohio;" which was read twice, and committed.

Mr. BALDWIN, from the committee appointed, presented a bill for the more general promulgation of the laws of the United States; which was read twice, and committed.

Mr. TRACY, from the Committee of Claims, presented a bill for the relief of William Seymour; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The House proceeded to consider the amendments reported yesterday from the Committee of the Whole House, to the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes; and the same being read, were agreed to.

The said bill was further amended, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

Mr. TRACY, from the Committee of Claims, presented a bill, enabling George Gibbs to obtain a drawback of duties on certain exported wines; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Ordered, That a committee be appointed to bring in a bill for the relief of Spencer Man and Frantz Jacob Foltz, of Charleston, merchants, in certain losses relative to drawbacks on sundry goods exported previously to the first day of July, one thousand seven hundred and ninety-two.

A committee was appointed of Mr. GOODHUE, Mr. HALPER, and Mr. HUNTER.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I transmit to Congress copies of a Letter from the Governor of the State of New Hampshire, and of an Act of the Legislature thereof, ratifying the article proposed in amendment to the Constitution of the United States, respecting the Judicial power.

I also lay before Congress copies of a Letter from the Governor of the State of North Carolina, and of an act of the Legislature thereof, ceding "to the United States certain lands, upon the conditions therein mentioned."

G. WASHINGTON.

UNITED STATES, February 17, 1795.

The said Message and papers were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting two statements, exhibiting the gross and nett amount of duties arising on distilled spirits, and on country stills, (drawbacks deducted,) during the years one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three, pursuant to the resolution of this House of the second instant; which were read, and ordered to lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

H. OF R.]

Exportation of Lead.

[FEBRUARY, 1795.]

*Gentlemen of the Senate, and
of the House of Representatives :*

I have received copies of two Acts of the Legislature of Georgia—one passed on the 28th day of December, and the other on the 7th day of January last—for appropriating and selling the Indian lands within the territorial limits claimed by that State. These copies, though not officially certified, have been transmitted to me in such a manner as to leave no room to doubt their authenticity. These Acts embrace an object of such magnitude, and in their consequences may so deeply affect the peace and welfare of the United States, that I have thought it necessary now to lay them before Congress.

In confidence, I also forward copies of several documents and papers received from the Governor of the Southwestern Territory. By these, it seems that hostilities with the Cherokees have ceased, and that there is a pleasing prospect of a permanent peace with that nation. But, from all the communications of the Governor, it appears that the Creeks, in small parties, continue their depredations, and it is uncertain to what they may finally lead.

The several papers now communicated deserve the immediate attention of Congress, who will consider how far the subjects of them may require their co-operation.

G. WASHINGTON.

UNITED STATES, *February 17, 1795.*

The said Message and papers were read :
Whereupon,

Ordered, That so much thereof as relates to the Acts of the Legislature of Georgia, for appropriating and selling the Indian lands within the territorial limits claimed by that State, be referred to Mr. NICHOLAS, Mr. MACON, Mr. MURRAY, Mr. FINDLEY, Mr. BOUDINOT, Mr. AMES, and Mr. SHERBURNE, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That such other parts of the said Message as relate to the communications from the Governor of the Territory of the United States South of the river Ohio, be committed to the Committee of the Whole House on the state of the Union.

EXPORTATION OF LEAD.

Mr. FITZSIMONS moved that a bill should be read a third time for permitting the exportation of lead. A former bill, which had been passed for repealing part of the act that prohibits the exportation of military stores from the United States, was rejected by the Senate; the present bill, which had lain over for some time, was, on that account, brought forward. Mr. F. said that he hoped it would pass.

Mr. VENABLE hoped that it would not pass. The gentleman for whose sake this bill was in reality introduced, might wait, as well as other people, till the expiration of the existing law, which was to be in May next. He reprobated the idea of legislating for the sake of an individual, as a most irregular and dangerous precedent. The person had imported this lead with a knowledge of the law that prohibited its being sent out of the country again. This law might

give an individual an advantage over other people.

Mr. FITZSIMONS thought that this was the most disorderly reasoning which he had ever heard in the House. When this lead was imported, the law that prohibited its being exported again, did not exist. Mr. F. asked, why the House might not legislate for an individual? As for waiting till the month of May, the ship was bound for India, and must sail, if she sailed at all, in March next. When the prohibitory law passed the arsenals were in want of lead. At present there is as much lead in the country as would supply all its demand for seven years. Why then adhere to this restriction?

Mr. DAYTON was in favor of the bill. He wished that the other had gone through the Senate.

Mr. KITTERA considered the reasoning of the gentleman from Virginia [Mr. VENABLE] as the strangest which he had ever heard of. We legislate every other day for individuals, and insert their names, and the reasons for doing so, in the very body of the act. He could not then imagine why it should be opposed at this time.

A member said that he would oppose it, as having crept into the House in an extraordinary manner, so as to exclude all debate. He should therefore vote against it.

Mr. GOODHUE saw no reason why the bill should not pass, merely because it related to an individual. He saw no reason why the Legislature should not oblige an individual, when it could be done without injuring the public interest. If the United States were in want of the lead, that would be quite another thing.

Mr. HARTLEY thought that this bill was opposed upon extraordinary grounds. He was in its favor for reasons similar to those assigned by Mr. GOODHUE.

Mr. DAYTON explained, that the bill had gone through all the different and regular shapes, and had been fully canvassed some time ago. He read a part of the journals to illustrate his assertions.

Mr. GILES said, that if there ever had been any use for the prohibitory act in question, it was now superfluous. He moved to recommit the bill to a select committee, or a Committee of the Whole House. He wished for a repeal of the whole bill, not a partial repeal in favor of a particular person.

Mr. KITTERA contended that Mr. GILES and Mr. S. SMITH opposed the bill on opposite principles. Both these gentlemen said that they thought Mr. K. had mistaken their meaning. He insisted that there was an opposition which opposed itself.

Mr. SEDGWICK could not see the use of hindering this bill passing. The lead is now lying in ballast, and if it does not go, specie must be sent instead of it. Why not unshackle this property, which is now useless, and bring it into action? What good was to be got by continuing the prohibition, Mr. S. said he was totally incapable of comprehending. As to the commitment, that

FEBRUARY, 1795.]

Organization of the Militia.

[H. OF R.]

also was, in every point of view, entirely beyond his conjecture as to any rational end proposed by it.

Mr. B. BOURNE was not much interested whether the bill passed or not. But he had another serious consequence to observe on, and that was the great waste of time on such a thing, when so great a mass of business was before the House. This bill had at different times taken up three days, and had been fully discussed. The session was drawing to a close, and he entreated that the question might be taken.

The bill was then passed—ayes 50, noes not counted.

ORGANIZATION OF THE MILITIA.

The House again resolved itself into a Committee of the Whole House on the bill to provide for organizing, arming, and disciplining the Militia of the United States.

On the first clause, Mr. SWIFT proposed as an amendment to strike out the words twenty, and insert eighteen, that the age at which persons were to be enrolled in the select corps, might be from eighteen to twenty five years.

Mr. S. SMITH and Mr. IRVINE were both against this amendment, and stated the numerous inconveniences which attended the attempt of converting boys into soldiers. The former gentleman quoted the Memoirs of the once celebrated and still memorable Dumourier, who remonstrated to the Convention at Paris on this mode of recruiting.

Mr. DAYTON differed from these two gentlemen. He preferred eighteen as an amendment. Persons at that age could be more easily spared than when they were older, and engaged in business, and very likely married. Boys at eighteen would also learn the exercise faster than when twenty-five years old.

Mr. FITZSIMONS said, that the gentleman had only looked at one side of the question. What would be the situation of a man with eight or ten apprentices called away for twenty days at a time? They would not be fit for the duties of a soldier. He should even have preferred twenty-one to twenty. He imagined that this would be a real discouragement to manufactures. The young men returning to their employments might be less disposed for attending to them.

On a division the amendment was rejected—ayes 39, noes 40.

There was part of a clause in the first section in these words: "All able-bodied *white* male citizens." It was moved to strike out the word *white*.

Mr. KITCHELL said, that if the word *white* was struck out, he hoped that *black* would be inserted, as it was necessary that the militia should all be of one color. White men would not stand in the same rank with a negro.

Another member said, that he was not for a *speckled* militia.

Mr. BLOWNT replied that in the Southern States, there was a numerous class of men, who were neither whites nor blacks, but mulattos.

It was not understood to be disgraceful to serve in the ranks with them.

A member from one of the Southern States declared that he was sure it was so considered in Maryland and Virginia. He remarked, however, that the subject was obviously and extremely improper for public discussion. He had before observed this to the House, when Mr. DEXTER made a motion referring to the same subject. [This was in the debate about the naturalization bill, when Mr. DEXTER proposed that foreign nobility should not be admitted as citizens of America till they first renounced the possession of slaves.] As the gentleman did not think his observations proper for the public ear, it would be an ungrateful trespass on the indulgence of the House to attempt a recital.

The amendment was negatived.

The Committee now rose. The Chairman reported progress, and asked leave to sit again.

WEDNESDAY, February 18.

An engrossed bill for the more general promulgation of the laws of the United States was read the third time, and passed.

An engrossed bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes, was read the third time, and passed.

An engrossed bill enabling George Gibbs to obtain a drawback of duties on certain exported wines was read a third time, and passed.

An engrossed bill for the relief of William Seymour was read the third time, and passed.

A memorial of John Rutledge, administrator of Thomas Rutledge, deceased, was presented to the House, and read, praying the liquidation and settlement of a claim for the services of the deceased, as a Deputy Commissary General of Purchases for the Southern Department during the late war.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial of Samuel Weir, Representative of the People South of French Broad River, in behalf of himself and his constituents, was presented to the House, and read, praying that the right of preemption to certain lands which they purchased of the Indians, and have since been ceded to the United States by the treaties of Seneca and of Holston, may be secured to the memorialists, and they be permitted to settle thereon.

Ordered, That the said memorial be referred to Mr. HILLHOUSE, Mr. IRVINE, and Mr. WALKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of Gunning Bedford, Judge of the District Court of the United States for the State of Delaware, was presented to the House, and read, stating the insufficiency of the salary allowed him by law, and praying that the same may be in-

H. of R.]

Count de Grasse's Heirs—Organization of the Militia.

[FEBRUARY, 1795.]

creased, and rendered more adequate to his services.

Ordered, That the said memorial be referred to Mr. DEXTER, Mr. KITTERA, and Mr. HARRISON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of James Strange, of the town of Manchester, in the State of Virginia, was presented to the House, and read, praying a remission of the duties accruing on a quantity of salt, the property of the petitioner, which was lost in consequence of the vessel in which it was laden having been drove on shore in a gale of wind, and bilged at Rockett's Landing, in the said State.

Ordered, That the said petition be referred to Mr. GILES, Mr. PARKER, and Mr. WINGATE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Resolved, That the Secretary of the Treasury be directed to report the compensations given to the officers employed in the management of the revenue arising from stills and distilled spirits, not included in his report of the seventeenth instant, together with the number of officers employed in each State.

Mr. JEREMIAH SMITH, from the committee appointed, presented a bill for the relief of Robert Barton, and others; which was read twice, and ordered to be engrossed, and read the third time on Friday next.

Mr. AMES, from the committee to whom was referred the memorial of Amelie, Adelaide, Melanie, and Silvie de Grasse, four daughters of the late Count de Grasse, made a report; which was read, and ordered to be committed to a Committee of the Whole House immediately.

COUNT DE GRASSE'S HEIRS.

The House then went into a Committee on a memorial from the four daughters of the late Admiral Count de Grasse. It was read, with the report from a select committee, which proposed to give each of these ladies, who are now residing in Boston, and in indigent circumstances, a thousand dollars, in consideration of the important services rendered by their father to the United States. To this proposal the Committee agreed, and the Chairman reported the resolution.

The House then took up the report.

Mr. MACON objected that though the claims of the petitioners were strong, yet they were not more so than those of multitudes of others. On the very day when we have come to a resolution to receive no more petitions from our fellow-citizens, we are going to give so large a sum at once to foreigners. He was aware that the Count de Grasse had done eminent services to America, and he felt them as much as any person, but still he saw no reason for preferring these petitioners, when there were likely an hundred of the officers of de Grasse, or of Rochambeau's army, that were in this country, and in want.

Mr. DEXTER said, that if there ever was a case where it would be proper to act first, and there-

after try to find reasons for what had been done, this was such a case.

The report was, on a division, agreed to by a great majority—sixty-one gentlemen rising in the affirmative. The resolution is in the following words:

Resolved, That, in consideration of the extraordinary services rendered the United States by the late Count de Grasse, in the year one thousand seven hundred and eighty-one, on the urgent request of the Commander-in-Chief of the American forces, beyond the term limited for his co-operation with the troops of the United States, there be allowed and paid to Amelie, Adelaide, Melanie, and Silvie de Grasse, daughters of the late Count de Grasse, respectively, the sum of one thousand dollars.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. AMES, Mr. MADISON, and Mr. GILMAN, do prepare and bring in the same.

ORGANIZATION OF THE MILITIA.

Mr. BOUDINOT moved that the House should, agreeably to the order of the day, resolve itself into a Committee of the Whole, on the bill for organizing, arming, and disciplining the Militia.

Mr. DAYTON declared himself opposed to this motion, as it would lead to a needless waste of time upon a subject or system which they should be unable to mature in the little time which remained of the present session. He said, that no one was more perfectly convinced of the inefficiency of the present system, or more zealously disposed to amend it than he himself was; but the discussion which this bill had already undergone was sufficient to satisfy his mind that they ought to postpone the decision upon a plan so new and important until their next meeting. He acknowledged that, in proposing this postponement, he was very much influenced by a belief that there was wanting not only time, but a proper temper and disposition to do justice to the subject, and to inquire into and remedy all the defects which had occurred or could be pointed out, under the existing Militia Laws. It was easy to foresee that nothing effectual would be done by the present House, and to proceed further would therefore be useless, especially as there was other business in progress, which could not be delayed without very great injury. He therefore moved that the Committee of the Whole be discharged from the further consideration of the bill. This would supersede the motion made by his colleague, and if successful, he should afterwards move that a sufficient number of copies be printed and circulated for public information. The members would, by this means, have it in their power to learn, in the recess, the sentiments of their constituents, and be better prepared the next winter as to this important branch of legislation than they seemed now to be.

The question for discharging the Committee of the Whole was put and carried without a division; and, on motion, it was ordered that a thousand

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

copies should be printed and dispersed through the States.

PUBLIC DEBT.

The House went into a Committee on the bill making further provision for the support of Public Credit and for the redemption of the Public Debt.

Mr. HILLHOUSE moved to strike out the first clause of the bill, and said, that if the provision contemplated in this bill for non-subscribing creditors had any intimate connexion with a permanent and systematic plan for the reduction of the Public Debt, his solicitude for the adoption of the latter would make him unwilling to object to the former; but, from a critical attention to the subject, and the Report of the late Secretary of the Treasury, he cannot find that a rejection of this provision will at all derange the system. He begged leave to premise his observation with one remark, which was, that no member of the Committee had a higher opinion of or greater respect for the talents and integrity of the late Secretary of the Treasury, or more lamented the loss of them to the public than himself; that his opinion had always been in favor of referring to the Secretary of the Treasury, whose official duty it was to be informed, for information and plans on the subject of finance, and that the fund of useful information contained in this report was a striking proof of the correctness of that opinion; but he never supposed himself bound to an implicit adoption of such plans as might be reported. It was his duty to examine and judge for himself.

Consistency of conduct, and impartial justice to all, was, in his opinion, as important for the preservation of our national character, as the punctual payment of our debts. Will not the adoption of this provision, which gives better terms to the non-subscribing creditors than to those who have placed confidence in your Government and cheerfully complied, be partial? Will there be consistency in our conduct, when, but a few sessions since, we almost unanimously rejected a petition from one class of those creditors, and, as far as was possible, made a Legislative declaration that no better provision ought or should be made? And would it be honorable now, since a great proportion of these creditors, in consequence of the rejection of their petitions and despairing of better terms, have subscribed to your Loans, to turn immediately around, as soon as we have got them bound, and make a better provision for those who still refuse a compliance? The reasoning of the late Secretary of the Treasury, in favor of this principle, is too nice, and proves too much, and cannot be carried into execution. Will not these observations extend even to the old twenty dollar notes of 1775, many of which are now in possession of persons who received them, and were compelled by law to receive them, as gold and silver, in payment of their old debts. The fact is, that at the close of the late war, and even at the time of establishing the present Government, a literal compliance with all the then existing contracts and engagements, was well known and generally understood to be wholly impracticable. This Government, therefore, offered such terms as they

thought just and equitable, and within the compass of their ability to fulfil; and, in the same act, held up the idea that no better provision would be made for non-subscribing creditors, for they were to have only four per cent., though their contract said six. Was not this more than a tacit, was it not an explicit declaration, that no creditor ought to hesitate about subscribing, for these were the best terms that would be given? And whatever we may say about the creditor having voluntarily given up his claim, if we did not give an opinion to receive the money at the Treasury, or to subscribe the Loan, it was in a degree a forced Loan. This, however, throws no imputation on the Government, for they did all that they were bound in honor or justice (all circumstances considered) to do; and every creditor ought, and every reasonable creditor will be satisfied. And to depart from the terms then held out, or to give better terms now, would be unjust, and, in his opinion, lessen instead of strengthening the confidence of the people in the Government. In times of peace and prosperity, and when our resources are ample, there is no doubt of our having sufficient credit. But if reverse of fortune should throw our affairs into some derangement, and we should be obliged to come forward with new terms or propositions for obtaining further loans or credit, would not every one be disinclined to accept them, under an apprehension that those who hung back might fare better? What would have been the situation of the United States if all had rejected the terms? Would it have been in their power to make a like provision for the whole Debt? And is it just that this class of creditors should derive an advantage from the ready compliance of others? How would it be in the case of an individual?—and I believe the same rules are to be observed to preserve the honor and credit of public bodies as that of individuals. Would it be considered honorable for a merchant whose affairs by misfortune should become embarrassed, and he unable to make prompt payment of all his debts, to offer to his creditors to pay them without interest, or at a certain rate upon the pound; and after a great proportion of his creditors had subscribed to his terms, to pay the remainder the full amount of their debts in money, and that, too, when there could be no compulsory process against him? If such an individual meant to preserve his credit and character, he must do equal justice to all; and so must the United States. There is no difficulty in doing this, by making provision to pay the principal of the unsubscribed Debt in the year 1801, when deferred stock begins to bear an interest of six per cent., and then to pay the arrears of interest by instalments, so arranged that the non-subscribing creditors, though they receive the nominal amount of their interest, yet, that at the time of receiving the same, the value of three per cent. stock and the interest which may have been paid thereon, shall be equal thereto. We have passed a law this very session to open the Loan still further to non-subscribing creditors, and to pay a like interest to such as shall not subscribe, as is paid in the funded Debt. It is therefore unnecessary and improper

H. OF R.]

Public Debt.

[FEBRUARY, 1795.]

to do anything further on that subject at this session.

Mr. SEDGWICK said, that the gentleman who made the motion, [Mr. HILLHOUSE,] and his friend [Mr. GOODHUE,] who had seconded it, had submitted such reasons as neither his feelings nor his principles would permit him to pass in silence. With the latter gentleman he had the happiness during the arduous struggle which accompanied the Funding System, perfectly to concur in conduct, and till now, as he had always believed, in the principles assumed and in the objects proposed.

In an untried system of Government, and ignorant of the national resources, a provision for the Public Debt, the price of our Freedom and Independence, presented difficulties almost insurmountable; as all who participated in the labors of that day would remember. It might then have been believed, that a provision on the precise terms of the contract, was beyond the ability of the country, and therefore that the Government was under no obligation to make the attempt. This was not the foundation on which the Funding System was established. It might also, at that time, have been assumed as a principle that the public securities purported an obligation greater than justice required should be performed; and that, therefore, a system of depreciation ought in this instance to be applied, as in the case of the currency. Neither was the principle assumed.

The Government undertook, as in honor and conscience bound, to perform the public engagements; or to pay for a new modification, a valuable, an honest equivalent. Unacquainted with the competency of the resources which were contemplated, it was thought of great importance to procure the consent of the creditors to lessen the quantum of the immediate provision. To procure it, it was declared that the equivalent must not be nominal only, but real. That the consent must not be compulsory, but voluntary. And it was further declared, in the very act for funding the Debt, that act which was intended to secure the public faith and the public confidence, that nothing which it contained should be construed to impair the obligation of the Government to make complete provision for the non-subscribing creditors. Hence, the provision which the bill contemplated, so far from being, as was now suggested, an infringement of the Funding System, was pursuing not only the spirit, but was in exact conformity to the stipulations and a fulfilment of the solemn engagements it expressed. While we were ignorant of the productiveness of the revenue, the Government was justified in paying to the new subscribing creditors no greater amount than was paid to those who had accepted the terms which had been offered. At this time, while calculating on reducing the principal should the Committee reject the proposition before them, they would be without excuse; for, if the ability of the Government was adequate to a gradual discharge of the principal, it was certainly equal to fulfil its promises respecting the payment of the interest.

Mr. S. said, there was no alternative but to

make the proposed provision, or to violate, not by implication, but expressly, the solemn and pledged faith of the Government. Whether, independent of moral considerations, the saving of a few thousand dollars should be a prevailing consideration for embracing the disgraceful part, gentlemen would determine. The whole of the unsubscribed Debt was somewhat more than a million, the difference, therefore, which could be made by assuming the unfounded principle that the Loan was originally compulsory, would be a mere trifle, infinitely too inconsiderable for the immense sacrifice which must be made to obtain it.

It was said that the subscribers would consider the proposed provision as an injury to them. This was to suppose, that they understood the promises of the Government to be a solemn mockery. That they were intended as a disguise which had proved too thin to hide the real intention from any. For himself, however, he would declare, that was he the proprietor of every dollar of the unsubscribed Debt, he would not hesitate for a moment to subscribe the whole, because he should prefer the stable provision and the funds which were pledged to satisfy it, as in the case of the Funded Debt, to the annual provision which was contemplated for that which remained unsubscribed. But whether such an election would be a discreet one was of little importance. It was enough that the claim of the non-subscribers was founded on the express engagements of the Legislature.

A conversation ensued, during which Mr. GOODHUE avowed the principles and enforced the arguments of Mr. HILLHOUSE. At length an end was put to the debate by Mr. FITZSIMONS, who said, that he had always held that the terms offered by the Funding System were intended as an honest equivalent—that he believed that a provision would ultimately be made for the non-subscribers, in conformity to the stipulations of that act; and that he had the fullest confidence, that no gentleman who had concurred in that measure, would, on mature reflection, withhold his assent. But, as an act had passed the present session to continue the subscriptions through the current year, of which probably the Secretary was ignorant when he made his report, he was willing the measure should be postponed, until it was known what effects might be produced by it. He would therefore consent that the three first sections of the bill be struck out, which was done accordingly.

Mr. GILES moved to strike out the fourth clause, which empowers the Commissioners of the Sinking Fund, with the approbation of the President, to borrow, or cause to be borrowed from time to time, such sums in anticipation of the revenues appropriated, as they may see proper, not exceeding one million of dollars in a year. Mr. G. thought, that the present plan for discharging the National Debt was in reality a plan for augmenting it.

Mr. W. SMITH replied that there was nothing new in authorizing a loan under the direction of the President.

The Committee now rose, the Chairman reported progress, and the House adjourned.

FEBRUARY, 1795.]

Proceedings.

[H. OF R.]

FRIDAY, February 20.

An engrossed bill for the relief of Robert Barton and others was read the third time and passed.

Mr. GOODRUE, from the committee appointed, presented a bill for the relief of Spencer Mann and Frantz Jacob Foltz; which was read twice and ordered to be engrossed, and read the third time to-morrow.

Mr. AMES, from the committee appointed, presented a bill authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse; which was read and ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" with several amendments; to which they desire the concurrence of this House. The Senate have also agreed to the amendments proposed by this House to the bill, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the amendments of this House to the last mentioned bill: Whereupon,

Resolved, That this House doth agree to all the said amendments, with an amendment to the last amendment of the Senate to the first section of the said bill.

A message from the Senate informed the House that the VICE PRESIDENT being absent, the Senate proceeded to the choice of a President *pro tempore*, and HENRY TAZEWELL has been duly elected.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties imposed by law, on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels:'" Whereupon,

Ordered, That the said bill, with the amendments, be committed to Mr. SAMUEL SMITH, Mr. GOODRUE, and Mr. BOUNDINOR.

The House again resolved itself into a Committee of the Whole House on the bill making further provision for the support of Public Credit, and for the redemption of the Public Debt; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Agnus M'Lean;" to which they desire the concurrence of this House. The Senate have disagreed to the amendment proposed by this House to the last amendment of the Senate to the first section of the amendment of this House, to the bill, entitled "An act to amend

the act, entitled 'An act to establish the Post Office and Post Roads within the United States;'" and desire a conference with this House on the subject-matter of the said amendment to the amendment; to which conference the Senate have appointed managers on their part.

The House proceeded to consider the message: Whereupon,

Resolved, That this House doth agree to the conference desired by the Senate, and that Mr. HARTLEY, Mr. SEDGWICK, and Mr. GREENUP, be appointed managers at the same, on the part of this House.

SATURDAY, February 21.

An engrossed bill authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse, was read the third time and passed.

An engrossed bill for the relief of Spencer Mann and Frantz Jacob Foltz, was read the third time and passed.

A petition of Edmund Hogan, of the City of Philadelphia, was presented to the House and read, praying that he may be permitted to take and publish an accurate and impartial statement of Legislative subjects which may be submitted to the consideration of the House, and the debates thereon of the members, respectively, on the plan contemplated in a motion made to this House on the twentieth day of April, one thousand seven hundred and ninety-two.

Ordered, That the said petition be referred to Mr. WILLIAM SMITH, Mr. SEDGWICK, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The bill sent from the Senate, entitled "An act for the relief of Agnus M'Lean," was read twice and ordered to be committed to Mr. WATTS, Mr. SWIFT, and Mr. CLAIBORNE.

Mr. HARTLEY, from the managers appointed on the part of this House, to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" made a report; which was read, and ordered to lie on the table.

Mr. GILES, from the committee to whom was referred the petition of James Strange, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

Mr. SAMUEL SMITH, from the committee to whom were committed the amendments of the Senate to the bill, entitled "An act to provide more effectually for the collection of the duties imposed by law, on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," made a report: Whereupon,

Resolved, That this House doth agree to all the said amendments.

The House again resolved itself into a Committee of the Whole House on the bill making further

H. OF R.]

Public Debt.

[FEBRUARY, 1795.]

provision for the support of Public Credit, and for the redemption of the Public Debt; and, after some time spent therein, the Committee rose and reported several amendments thereto; which were, severally, twice read, and agreed to by the House.

A motion was then made, and the question being put, further to amend the said bill, at the Clerk's table, by striking out, after the word "redeemed," in the thirteenth line of the eleventh section, the words following, to wit: "and shall be, and are hereby declared to be, vested in the said Commissioners, as property in trust, to be applied according to the provisions of the aforesaid act of the eighth day of May, in the year one thousand seven hundred and ninety-two, and of this act, to the reimbursement and redemption of the said Debt, including the Loans aforesaid, until the same shall be fully reimbursed and redeemed:"

It passed in the negative—yeas 39, nays 49, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, George Dent, Gabriel Duval, Benjamin Edwards, William Findley, William B. Giles, James Gillespie, William Barry Grove, George Hancock, Carter B. Harrison, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, John Page, Francis Preston, John Smilie, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Paine Wingate, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Lemuel Benton, Elinus Boudinot, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Jonathan Dayton, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, Robert Goodloe Harper, Thomas Hartley, John Heath, James Hillhouse, William Hindman, Samuel Holten, Aaron Kitchell, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Montgomery, William Vans Murray, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, Samuel Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, and Richard Winn.

The said bill being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed, and read the third time on Monday next.

A message from the Senate informed the House that the Senate recede from their last amendment, disagreed to by this House, to the first amendatory section of the bill, entitled "An act to establish the Post Office and Post Roads within the United States."

The House proceeded to consider the said message: Whereupon,

Resolved, That this House doth recede from their amendment to the last amendment of the Senate to the first amendatory section of the last mentioned bill.

The SPEAKER laid before the House a report

from the Secretary at War, accompanying statements in the cases of claimants to be placed on the list of pensioners, which have been returned to the War Office by the Judges of the District Courts of the United States, since the thirtieth day of December last; and of the additional evidence received further to support certain claims formerly stated; which were read, and ordered to be referred to the Committee on Claims.

MONDAY, February 23.

An engrossed bill making further provision for the support of Public Credit, and for the redemption of the Public Debt, was read the third time, and a blank therein filled up.

A memorial of sundry sugar refiners of the city of Philadelphia, whose names are thereunto subscribed, was presented to the House and read, praying that, in lieu of the two cents per pound, imposed by an act of the last session of Congress, on sugar refined within the United States, a tax or duty may be laid on the pan or boiler used in refining sugars.

Ordered, That the said memorial do lie on the table.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill for establishing offices for the purpose of granting lands within the Territory of the United States; which was read twice and committed.

Mr. WATTS, from the committee to whom was committed the bill sent from the Senate, entitled "An act for the relief of Agnus McLean," reported that the committee had had the said bill under consideration, and made no amendment thereto: Whereupon, the said bill was amended at the Clerk's table, and, together with the amendments, read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to continue in force, for a limited time, the acts therein mentioned;" to which they desire the concurrence of this House.

The said bill was read twice, and ordered to be read the third time to-morrow.

Mr. NICHOLAS, from the committee to whom was referred so much of the Message from the PRESIDENT OF THE UNITED STATES, of the seventeenth instant, as relates to the disposition of Indian lands by the Legislature of the State of Georgia, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom were referred the memorial of Mary S. Jones, and the petitions of Francis Nash, and of Francis Peyriunaut, administrator of Pierre de Camps; and, after some time spent therein, the Committee rose and reported a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That provision be made by law, for the relief of the petitioners, respectively, according to the prayer of their several petitions.

FEBRUARY, 1795.]

The Mint.

[H. OF R.]

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. DENT, Mr. LEE, and Mr. HARTLEY, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was recommended the report of a committee on the report of the Secretary of War, respecting the fortifications of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a sum not exceeding fifty thousand dollars, be appropriated for the purpose of completing the fortifications of certain ports and harbors in the United States.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. SAMUEL SMITH, Mr. DEARBORN, Mr. DAYTON, Mr. PARKER, Mr. PICKENS, and Mr. MURRAY, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for allowing an additional compensation to the Judges of the Districts of Rhode Island, and Delaware;" to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the last mentioned bill, and the same being read, were agreed to.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to examine and report on the state of the Mint, and what further measures may be necessary to render the institution more beneficial; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

1. *Resolved*, That provision be made by law for the appointment of a Refiner and Melter in the Mint of the United States, whose duty it shall be, to take charge of all copper, and silver, and gold bullion, delivered out by the Treasurer of the Mint, after it has been assayed, and to reduce it into bars or ingots for the rolling mills; and then to deliver them to the Coiner or Treasurer, as the Director shall judge expedient; and to do and perform all other duties belonging to the office of Refiner and Melter, or which shall be ordered by the Director of the Mint.

2. *Resolved*, That provision be made by law, authorizing the Treasurer of the Mint to retain two cents per ounce, from every deposit of silver bullion below the standard; and four cents per ounce, from every deposit of gold bullion below the standard, unless the same shall require the opera-

tion of the test; then six cents, as a compensation for refining and melting the same.

3. *Resolved*, That gross bullion brought for deposit and coinage to the Mint, shall not be received in smaller quantities than two hundred ounces of silver, and twenty ounces of gold.

4. *Resolved*, That the standard for silver coin, as now established by law be altered, and made to consist of nine equal ten parts of pure silver, and one tenth part of pure copper, being equal to ten ounces sixteen pennyweights of pure silver in one pound troy.

5. *Resolved*, That the PRESIDENT OF THE UNITED STATES, be authorized to reduce the weight of the copper coin at his discretion: *Provided*, Such reduction shall not exceed two pennyweights in each cent, and in proportion in each half cent; of which he shall give notice by proclamation, and report the same to the next session of Congress.

6. *Resolved*, That the Treasurer of the United States be authorized by law to distribute, at the public expense, all cents received from the Treasurer of the Mint; by sending them to some one bank in each State, where any are established, and where not, to the principal collector of such State, (in proportion to the number of inhabitants of the State,) to be by them paid out for cash, to any person requesting the same, in sums not less than ten dollars value.

7. *Resolved*, That provision be made by law, enabling the Director and Treasurer of the Mint to give a preference to bullion brought to the Mint, already of, or above the standard of the United States, so as not to be prevented coining and issuing the same, although bullion below the standard, and not yet refined, may have been deposited for coinage before it; any thing in any law heretofore passed to the contrary notwithstanding.

Ordered, That a bill or bills be brought in, pursuant to the said resolutions, and that Mr. BOVDINOT, Mr. TRUMBULL, and Mr. HUNTER, do prepare and bring in the same.

The bill sent from the Senate, entitled "An act for allowing an additional compensation to the Judges of the Districts of Rhode Island and Delaware," was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill relative to cessions of jurisdiction in places where have been, or may hereafter be, erected and fixed light-houses, beacons, buoys, and public piers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed and read the third time to-morrow.

Ordered, That the Committee of the Whole House to whom is committed the bill to amend an act, entitled "An act laying certain duties upon snuff and refined sugar," be discharged from the consideration of the same; and that it be re-committed to Mr. WILLIAM SMITH, Mr. NICHOLSON,

H. OF R.]

Thomas Person and others—Pennsylvania Insurgents.

[FEBRUARY, 1795.]

LAS, Mr. SAMUEL SMITH, Mr. LYMAN, Mr. FINDLEY, Mr. FITZSIMONS, and Mr. MADISON.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Jose Roiz Silva; and, after some time spent therein, the Committee rose, and reported the said bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury, to whom was referred the petition of the Corporation of Rhode Island College; and, after some time spent therein, the Committee rose, and reported progress.

TUESDAY, February 24.

An engrossed bill, relative to cessions of jurisdiction in places where have been, or may hereafter be, erected and fixed light-houses, beacons, buoys, and public piers, was read the third time, and passed.

An engrossed bill for the relief of Jose Roiz Silva was read the third time, and passed.

The bill sent from the Senate, entitled "An act to continue in force, for a limited time, the acts therein mentioned," was read the third time, and ordered to be committed to Mr. FITZSIMONS, Mr. BALDWIN, and Mr. BOUDINOT.

Mr. WILLIAM SMITH, from the committee to whom was referred the petition of Edmund Hogan, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for allowing an additional compensation to the Judges of the Districts of Rhode Island and Delaware;" and, after some time spent therein, the Committee rose and reported the bill without amendment. The bill was then read the third time, and passed.

Mr. WILLIAM SMITH, from the committee to whom was recommended the bill to amend an act entitled "An act laying certain duties upon snuff and refined sugar," reported an amendatory bill to alter and amend the act entitled "An act laying certain duties upon snuff and refined sugar;" which was read twice, and committed.

Mr. HILLHOUSE, from the committee to whom was referred the memorial of Samuel Weir, Representative of the People South of French Broad River, in behalf of himself and his constituents, made a report; which was read, and ordered to lie on the table.

Mr. DENT, from the committee appointed, presented a bill for the relief of Mary S. Jones and others; which was read twice, and committed.

CASE OF THOMAS PERSON AND OTHERS.

It was moved that the House should go into consideration of the report of the select committee to whom had been referred a resolution of the House in relation to the back lands of North Carolina. The following is the resolution of the select committee:

"*Resolved*, That in case the President of the United States shall think proper to enter into a treaty or treaties with all or any of the Indian tribes claiming lands within the Territory South of the river Ohio, for the extinguishment of their claims to all or any of the said lands, the sum of — dollars be, and the same is hereby, appropriated to the purpose of defraying the expenses of any such treaty or treaties."

Mr. GOODHUE did not see that the United States had any concern to interfere in such a purchase; it was private property.

Mr. DARRON explained that the petition of Thomas Person and others comprehended only two millions of acres. The resolution contemplated twenty millions. It will, when completed, enable the United States to protect the Choctaws and Chickasaws from the Creeks and Cherokees, if the latter should happen to attack them; and that they will attack the Chickasaws is not improbable, from assistance which the latter have given to the white people. Besides, the frontier will be capable of defence, at a much cheaper rate, in this way, than at present it can be. It is now an irregular line. A peculiar circumstance, besides, will make the lands easy to be purchased. No Indian tribes reside on them. When the gentleman from Massachusetts considers these things, he will not object, since the United States will gain eighteen millions of acres by the transaction.

Mr. GOODHUE admitted the reasoning as to the eighteen millions, but still scrupled as to the rest.

Mr. SWIFT recommended that the Indian claim should in the mean time be extinguished.

Mr. McDOWELL, in reply to Mr. GOODHUE, said that if the gentleman had attended to the reasonings formerly used on this subject, and which had occupied considerable time of the House during the present session, he could have been at no loss for understanding the propriety of this purchase being made by the United States.

A committee were named to bring in a bill, in terms of the resolution recommended by the select committee.

PENNSYLVANIA INSURGENTS.

The amendments of the Senate to the act making compensation to officers of Government and others who were sufferers by the Western Insurgents, was next taken up.

Mr. SWIFT objected to the bill, as he doubted whether any money was really wanted. There was, at any rate, no evidence of it before the House.

Mr. FITZSIMONS wondered to hear gentlemen talk about the want of evidence. Do we not all know that one person had his house, barns, and everything else burnt down? Let his circumstances be as good as they will, he must be in want of assistance in the mean time, especially as there is little money in that part of the country. As to recovering the damages done, Mr. F. very much feared that they never would be got back, either by the proposed lawsuits, by subscriptions, or in any other way.

Mr. SEDGWICK thought this a debt due by the rules both of prudence and of justice.

FEBRUARY, 1795.]

Survey of the Southern Coast—Military Establishment.

[H. OF R.]

Mr. KITTERA also defended the expediency of the bill. The amendment of the Senate was rejected.

SURVEY OF SOUTHERN COAST.

The House next resolved into a Committee on the report of the select committee on the petition of Parker, Hopkins, and Miers, of Savannah, in Georgia. These gentlemen had been employed since the 12th of July, 1791, in surveying the coasts, &c., of Georgia. They implored the aid of the House in this arduous and expensive undertaking. The report of the select committee recommended that, as the affair was of a public nature, and as good charts were much wanted, the sum of — dollars should be loaned to them for the term of — years, out of the Treasury of the United States.

Mr. GILES thought there would be no end of such claims if the practice were once fairly begun.

Mr. HARPER (the new member from South Carolina) could give some information to the House on this subject. He had a personal opportunity of examining part of the execution of this work, and he conceived it to be very accurate. Georgia supplies the best timber for ship-building in the United States, and in a short time the commerce of that State will be a very great object. He hoped, therefore, that the House would not lightly reject this application. If the Constitution of the United States forbade the granting of money in this way, there was an end of it. But if ever a deviation was to be made from such a rule, perhaps this would be one of the most proper cases. The scheme had hitherto been carried on at the expense of a few individuals. He only requested that the House would not lightly refuse the prayer of the petition, since the thing itself was of so much consequence.

Mr. MADISON would not hastily undertake to say that the grant of money was improper to be made to this affair as a public good. He did not at present wish to enter into that. He considered a loan, however, as the worst of all possible shapes in which the request could come before the House, for it was impossible to say where the practice of lending might stop. If assistance was to be granted in this case, he did not see why the survey should not be extended to other parts of the Union where it was equally necessary. Every private undertaker might in this way solicit a loan, when the object of his scheme was not public advantage but private emolument.

Mr. MURRAY rejected all idea that the proposal was against the Constitution. Congress had surveyed the Western lands, and nobody supposed that beyond their authority. Why was there to be such a difference between land and water?

Mr. BALDWIN stated, that the individuals had spent all they were worth upon this undertaking, and all which their friends could raise, and it would be a great pity if it should fail in the end for the want of so trifling a sum as three thousand dollars, which was all that was wanted. He explained the very great necessity for such a chart. At present there was none to be had that was fit for any-

thing. Ships often lay for weeks, and even months together on the coast in the most dangerous situation, and unable to extricate themselves for want of charts. He adverted to the growing value of the commerce of Georgia, and to the remark of Mr. MURRAY as to the right of Congress to survey both land and water. If a loan was disagreeable, the PRESIDENT might be desired to subscribe for a certain number of copies of the charts.

Mr. S. SMITH approved much of getting good charts. If the Ambassador sent to Spain shall succeed in getting the navigation of the Mississippi opened, this coast of Georgia will very soon be of the highest importance.

Mr. MADISON doubted whether the State of Georgia was not at present more able than the United States to subscribe.

Mr. FITZSIMONS considered this as a very wrong time to bring in such a business, when the House are going to rise. His chief objection was to the mode, not the substance. He wished the matter withdrawn for the present, as the House had to proceed upon the Military Establishment.

Mr. DAYTON had no doubt of the Constitution empowering the House to lend the three thousand dollars, but did not like the mode of lending it. He wished that the whole coast could be surveyed.

Mr. PARKER and Mr. HARPER each read a separate resolution in place of that recommended by the committee. It was then agreed to take the question upon it, and it was negatived. The resolution suggested by Mr. HARPER was then read. But this also being found liable to many objections, the Committee rose, and the Chairman reported that they had disagreed to the report of the select committee, to whom the whole was again referred.

MILITARY ESTABLISHMENT.

The House next took up, in Committee of the Whole, the estimates of military appropriations for the year 1795. and came to certain resolutions, which were reported to the House. The House took them up.

Mr. W. SMITH moved that there should be voted for defraying the expense of the naval armament, for three months, — dollars. If this motion was rejected, Mr. S. said, that he should take the yeas and nays upon it, that it might be fairly known that gentlemen in the House were for abandoning the naval armament altogether.

Mr. GILES said, that he had opposed it at every stage as an useless expense, and an improper way of attempting to attain the proposed object. He should vote against the appropriation.

Mr. DAYTON thought that Mr. W. SMITH had assumed an odd style. Mr. SMITH had never heard him backward in fitting out a naval armament, and yet he should vote against the present motion, for this plain reason, that the money had been voted already.

Mr. FITZSIMONS did not know whether the last year's provision extended to this. If it does, then this is a useless proposition.

Mr. BORDINOT thought that the provision did not extend, but that the money unappropriated

H. of R.]

Military Establishment.

[FEBRUARY, 1795.]

was carried forward as surplus revenue, and that a new act was requisite to appropriate over again the money for the Navy.

Mr. W. SMITH did not suppose that the former appropriation continued in force, or he certainly would not have made this motion. He did not refer, at any rate, to Mr. DAYTON, when he spoke of gentlemen being against the armament altogether.

Mr. DAYTON read the act, which, as he thought, made it clearly out that the money yet stands in reserve. He wished the point decided before the House went further.

Mr. SEDGWICK recommended that this resolution should pass in the mean time. If the money was already voted, this could do no harm.

Mr. HILLHOUSE wished it to be withdrawn.

No question was taken on it, but a committee were appointed to bring in a bill on the resolutions reported, which were as follows;

Resolved, That, including the appropriation of five hundred thousand dollars made for the Military Establishment by an act of the present session, there be appropriated for the said Military Establishment, a sum not exceeding one million four hundred and thirty-nine thousand four hundred and thirty-nine dollars and twenty-nine cents.

Resolved, That, for defraying the expense of six months' pay and subsistence of a detachment of militia employed under the command of Major General Morgan, pursuant to an act of the present session, there be appropriated the sum of one hundred thousand six hundred and eighty-two dollars.

Resolved, That there be appropriated a sum not exceeding ten thousand dollars for the contingent purposes of Government, and subject to the disposition of the President of the United States."

Ordered, That a bill or bills be brought in pursuant to the above resolutions, and that Mr. FITZSIMONS, Mr. MONTGOMERY, and Mr. FOSTER, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse, with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being read, was agreed to.

INDIAN LANDS IN GEORGIA.

The House next went into Committee on the report of the select committee to whom was referred the Message of the PRESIDENT of the 17th current, respecting the disposition of Indian lands by the State of Georgia."

The first resolution was read, and passed, without a division. It was in these words:

Resolved, That it be recommended to the President of the United States to use all Constitutional and legal means to prevent the infraction of the treaties made with the Indian tribes by the citizens of the United States, with an assurance that Congress will co-operate in such other acts as will be proper for the same end."

The second resolution was then read.

Mr. FITZSIMONS said, he was much surprised

how this first resolution had got through the House without opposition, for it was drawn in the most singular terms that he had ever seen. It was no less than a recommendation from that House to the PRESIDENT that he would take care to do his duty. He hoped that there was no necessity for admonitions of that sort. Mr. F. was told that he was not in order, as the resolution had already passed.

The second resolution was as follows:

Resolved, That it be further recommended to the President of the United States not to permit treaties for the extinguishment of the Indian title to any lands to be holden at the instance of individuals or of States, where it shall appear that the property of such lands, when the Indian title shall be extinguished, will be in particular persons; and that, whenever treaties are hold for the benefit of the United States, individuals claiming rights of pre-emption shall be prevented from treating with the Indians concerning the same; and that, generally, such private claims be postponed to those of the several States, wherever the same may be consistent with the welfare and defence of the United States."

The Committee rose, the Chairman reported progress, and the House adjourned.

WEDNESDAY, February 25.

A memorial and remonstrance of the Legislature of the State of New Hampshire was presented to the House and read, praying the interference and support of Congress, in favor of the judicial power of the State Court, against an encroachment of the Judiciary of the United States, in reversing a decree of the Supreme Judicial Court of the State of New Hampshire, which was rendered in a case decided before the adoption of the present Constitution of Government of the United States.

Ordered, That the said memorial and remonstrance be referred to Mr. MADISON, Mr. MURRAY, Mr. BOUDINOT, Mr. CARNES, Mr. GILBERT, Mr. COIT, and Mr. HARPER, that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. FITZSIMONS, from the committee to whom was committed the bill, sent from the Senate, entitled "An act to continue in force, for a limited time, the acts therein mentioned," made a report; which was read, and, together with the said bill, ordered to be committed to a Committee of the Whole House to-morrow.

Mr. FITZSIMONS, from the committee appointed, presented a bill making further appropriations for the Military Establishment, and for the support of Government; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting a statement exhibiting the number of officers employed in each State in the management of the revenue from stills and spirits distilled in the United States; as, also, a Letter from the Commissioner of the Revenue, relative to compensation to the

FEBRUARY, 1795.]

Indian Lands in Georgia.

[H. OF R.]

said officers: which were read, and together with the resolution of this House of the 18th instant, on the subject-matter thereof, ordered to be referred to Mr. GILES, Mr. LYMAN, and Mr. SHERBURNE.

Mr. W. SMITH, from the committee appointed, presented a bill making a conditional provision for the expenses of a treaty with certain Indian tribes; which was read twice, and committed.

A Message was received from the PRESIDENT OF THE UNITED STATES, communicating to Congress copies of a Letter from the Governor of the State of Georgia, and an Act of the Legislature thereof, "to ratify the resolution of Congress explanatory of the Judicial power of the United States."

The said Message and papers were read, and ordered to lie on the table.

Resolved, That the Collector of the District of New York be authorized to allow the drawback on the exportation of two thousand yellow handled cutlasses or sugar knives, imported in the month of February, one thousand seven hundred and ninety-four, by Brothers, Coster, and Company, merchants, of New York, in the ship Peggy, Zaccheus Henshaw, master: *Provided*, The same shall be exported, according to law, within two years from the time of the importation.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. WATTS, Mr. GOODRUE, and Mr. WINGATE, do prepare and bring in the same.

†. A message from the Senate informed the House that they have passed the bill, entitled "An act for the relief of Spencer Mann and Franz Jacob Foltz, with an amendment;" to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being read, was agreed to.

INDIAN LANDS IN GEORGIA.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred so much of the Message from the PRESIDENT OF THE UNITED STATES, of the seventeenth instant, as relates to the disposition of Indian lands by the Legislature of the State of Georgia.

Mr. AMES said, that during the time when the National Debt bill was under discussion, he had attempted to get something introduced in favor of the new emission money creditors, but gentlemen always rose *en masse* against any proposal that would tend to obstruct the progress of the bill. He now again urged that this affair might be taken into consideration. He knew he should be told of a standing rule of the House, that the unfinished business must first be taken up. These creditors had waited for four years without redress, and the rules of the House ought to give way to common feeling and common sense. He therefore moved that the rule in question should be suspended.

The motion was negatived, and the House then went into a Committee upon the second and remaining resolutions in the report of the select committee on the Message of the PRESIDENT.

The following is a copy of the third and fourth resolutions in this report:

"*Resolved*, That the President of the United States be authorized, whenever claims under prior contracts may cease to exist, to obtain a cession of the State of Georgia, of their claim to the whole or any part of the land within the present Indian boundaries; and that — dollars ought to be appropriated to enable him to effect the same.

"*Resolved*, That all persons who shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory South of the river Ohio, for the purpose of warring against the Indians, or committing depredations upon any Indian town, or persons, or property, shall thereby become liable and subject to the rules and articles of war, which are, or shall be established for the government of the troops of the United States."

After some discussion, the Committee rose; the Chairman reported progress, and asked leave to sit again. This was negatived—yeas 33, nays 35.

The House then took up the resolutions. Various amendments were proposed; and the last resolution, in particular, was objected to, as subjecting people to martial law.

Mr. WADSWORTH said, that from a trial by jury he had no hopes. There never had been one instance of a white man condemned and hanged by white men, on the frontier, for the murder of an Indian, since the first landing in America. There might be such a thing for the murder of an Indian, when they lived among the whites. That there ever had been such a thing, he did not know. He had been told by Judges, upon the frontier, that it was no matter what evidence of a murder of an Indian was brought. No jury would bring the criminal in guilty. It was but very lately that a cool and unprovoked murder had been committed on the borders of this State upon an Indian. The evidence was clear. Nobody pretended to doubt it. The Judge gave an earnest charge to the jury; but all to no purpose; they found "not guilty."

Mr. SEDGWICK proposed an amendment to the last resolution, as follows:

"*Resolved*, That all persons who shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory South of the river Ohio, for the purpose of warring against the Indians, or of committing depredations against any Indian town, or persons, or property, shall thereby become liable and subject to be taken and confined by the military force of the United States, in such manner as to be made amenable to, and triable by law."

Ordered, That the said motion be committed to Mr. SEDGWICK, Mr. MADISON, and Mr. HILLHOUSE.

THURSDAY, February 26.

An engrossed bill making further appropriations for the Military Establishment, and for the support of Government, was read the third time and passed.

Mr. BEATTY, from the committee appointed, pre-

H. OF R.]

Indian Lands in Georgia.

[FEBRUARY, 1795.]

sented a bill laying a duty on carriages for the conveyance of persons, and repealing the former act for that purpose; which was read twice and committed.

Mr. BOUDINOT, from the committee appointed, presented a bill supplementary to the act, entitled "An act establishing a Mint, and regulating the coins of the United States;" which was read twice, and ordered to be engrossed, and read the third time to-morrow.

Ordered, That a committee be appointed to bring in a bill to repeal the second section of the act, entitled "An act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses."

And a committee was appointed, of Mr. HEATH, Mr. SMILIE, and Mr. MACON.

The House resolved itself into a Committee of the Whole on the bill, sent from the Senate, entitled "An act to continue in force, for a limited time, the acts therein mentioned;" and, after some time spent therein, the Committee rose, and reported an amendment thereto; which was twice read, and agreed to by the House. The said bill, with the amendment, was then read the third time and passed.

Mr. WATTS, from the committee appointed, presented a bill for extending the time relative to drawbacks on the exportation of certain military stores; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of Mary S. Jones, and others; and, after some time spent therein, the Committee rose and reported progress.

On the question, that this House will, to-morrow, again resolve itself into a Committee of the Whole House on the said bill? it passed in the negative.

The House proceeded to consider the resolutions reported yesterday, from the Committee of the Whole House, on the report of the committee to whom was referred so much of the Message of the PRESIDENT OF THE UNITED STATES, of the seventeenth instant, as relates to the disposition of Indian lands by the Legislature of the State of Georgia; and the said resolutions being amended at the Clerk's table, were agreed to by the House, as follows:

1st. *Resolved*, That Congress will co-operate with the PRESIDENT OF THE UNITED STATES in giving due effect to all such Constitutional and legal means as he shall adopt and pursue to prevent the infraction of the treaties made with the Indian tribes.

2d. *Resolved*, That it be recommended to the PRESIDENT OF THE UNITED STATES, not to permit treaties for the extinguishment of the Indian title to any lands, to be holden at the instance of individuals or States, where it shall appear that the property of such lands, when the Indian title shall be extinguished, will be vested in, or claimed by, particular persons: And that, whenever treaties are held for the benefit of the United States, individuals claiming rights of pre-emption shall be

prevented from treating with the Indians concerning the same; and that, generally, such private claims be postponed to those of the several States, wherever the same may be consistent with the welfare and defence of the United States.

3d. *Resolved*, That the PRESIDENT OF THE UNITED STATES be authorized to obtain a cession of the State of Georgia of their claim to the whole, or any part, of the land within the present Indian boundaries.

Ordered, That the first and second resolutions do lie on the table.

Ordered, That a bill or bills be brought in pursuant to the last resolution, and that Mr. NICHOLAS, Mr. MACON, Mr. MURRAY, Mr. FINDLEY, Mr. BOUDINOT, Mr. AMES, and Mr. SHERBURNE, do prepare and bring in the same.

Mr. SEDGWICK, from the committee to whom was referred a motion of the twenty-fifth instant, respecting such persons as shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory of the United States South of the river Ohio, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

FRIDAY, February 27.

An engrossed bill supplementary to the act, entitled "An act establishing a Mint, and regulating the coins of the United States," was read the third time, and passed.

An engrossed bill for extending the time relative to drawbacks on the exportation of certain military stores, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to prevent depredations on the Indians South of the river Ohio," to which they desire the concurrence of this House.

The said bill was read the first time, and opposition being made to the same, the question was taken, to wit: "Shall the said bill be rejected?" and resolved in the affirmative—yeas 43, nays 37, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Elias Boudinot, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Gabriel Duvall, Benjamin Edwards, William B. Giles, Nicholas Gilman, Christopher Greenup, Samuel Griffin, William Barry Grove, Robert Goodloe Harper, Carter B. Harrison, John Heath, Daniel Heister, William Irvine, Aaron Kitchell, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Robert Rutherford, John Smilie, Thomas Sprigg, Zephaniah Swift, Thomas Tredwell, Philip Van Cortlandt, Francis Walker, and Joseph Winston.

NAVS.—Fisher Ames, James Armstrong, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, William Hindman,

FEBRUARY, 1795.]

Snuff and Sugar Duties.

[H. OF R.]

Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, William Vans Murray, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, George Thatcher, John E. Van Allen, Peter Van Gaasbeck, Jeremiah Wadsworth, Attenuas Ward, John Watts, Paine Wingate, and Richard Winn.

Mr. MADISON, from the committee to whom was referred the memorial and representation of the Legislature of New Hampshire, made a report; which was read, and ordered to lie on the table.

Mr. NICHOLAS, from the committee appointed, presented a bill to authorize the PRESIDENT OF THE UNITED STATES to obtain a cession of claim to certain territory; which was read twice and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a return of the exports of the United States, for one year, ending the thirtieth of September, one thousand seven hundred and ninety-four; as, also, an explanatory Letter to him, from the Commissioner of the Revenue; which were read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed," with several amendments; to which they desire the concurrence of this House: the Senate have also passed a bill, entitled "An act relative to the passing of coasting vessels between Long Island and Rhode Island;" to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act relative to the passing of coasting vessels between Long Island and Rhode Island," was read three times and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of William Seymour;" the Senate have also passed the bill, entitled "An act to regulate the compensation of Clerks;" to which they desire the concurrence of the House. The Senate have also agreed to a resolution "authorizing the exportation of arms, cannon, and military stores, in certain cases;" to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed;" and the same being read, were agreed to.

The bill, sent from the Senate, entitled "An act to regulate the compensation of Clerks," was read twice and committed.

SNUFF AND SUGAR DUTIES.

The House then went into a Committee, Mr. SHERBURNES in the Chair, on the bill to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar"

The first section of the bill was read, and is in these words:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duty of eight cents per pound, laid by the act of the last session, entitled 'An act laying certain duties upon snuff and refined sugar,' shall cease on the last day of March, in the present year, and shall not thenceforth be collected; but, in lieu thereof, there shall be levied and collected upon all mills employed in the manufacture of snuff in the United States, the following yearly rates and duties, to wit: For and upon each and every mortar contained in any mill worked by water, and for every pair of mill-stones employed in the manufacture of snuff, — dollars; upon every pestle in any mill, other than mills worked by hand, — dollars; upon every pestle in any mill worked by hand, — dollars; and upon every mill in which snuff is manufactured by stampers and grinders, — dollars per annum."

Mr. CORR moved to strike out the section.

Mr. B. BOURNE seconded the motion.

Mr. W. SMITH said, that the committee had taken a great deal of care in learning how matters stood, and found, both from the manufacturers and officers of excise, that alterations were equally necessary for the existence of the manufacturers and the revenue. If this bill was destroyed, there would be the utmost inconvenience to the manufacturer, and very little chance of revenue.

Mr. FRIZZIMONS vindicated the clause. It would be seen at once, that the present bill simplified the operation exceedingly. It prevented the necessity for the attendance of excise men, and the swearing of the manufacturer. He did not expect to improve the revenue, but it would be more easily raised. He did not see what Mr. BOURNE had feared, that the law would bear hard upon persons of small capital. He understood it to be rather in their favor than otherwise.

Mr. SEDAWICK said, that all taxes ought to be levied with as little trouble as possible to the persons who pay them. He feared that the section before the Committee might produce inequalities. The Committee may have been wrongly informed by tobaccoists, and he could suppose that these individuals might themselves be unacquainted with the way in which the manufacture is carried on in other and distant parts of the Union.

Mr. MADISON was clearly in favor of the clause, as much better than the original idea.

The motion of Mr. CORR, for striking out the first clause, was negatived by a great majority.

The Committee went through the other clauses of this bill, with very little debate. It was then reported by the Chairman to the House. A motion was made that it should be taken up immediately.

Mr. HEISTER hoped that it would not, as there was an amendment intended to be also made in favor of the snuff-makers.

The House, however, took up the bill, which was ordered to be engrossed for a third reading.

A resolution from the Senate, for a partial repeal of the law against the exportation of arms and ammunition, was read and referred to a Committee of the Whole.

Mr. W. SMITH said, that he did not see the use of resolutions for repealing bills. It would be

H. OF R.]

Indian Lands in Georgia.

[FEBRUARY, 1795.]

much better to strike out the word "resolved," and insert "be it enacted."

INDIAN LANDS IN GEORGIA.

The House then went into a Committee of the Whole, Mr. SHERBURN in the Chair, on the report of the select committee to whom had been referred the motion of the 25th instant, respecting such persons as shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory of the United States South of the river Ohio. The resolutions are as follows:

"*Resolved*, That all persons who, unauthorized by law, may be found in arms on any lands westward of the lines established by treaties with the Indian tribes, shall, on conviction thereof, forfeit a sum not exceeding — dollars, and be imprisoned not exceeding — months.

"*Resolved*, That it shall be lawful for the military force of the United States to apprehend every person or persons found in arms, as aforesaid, and him or them to convey to the civil authority of the United States, within some of the States, who shall, by such authority, be secured, to be tried in manner hereafter expressed.

"*Resolved*, That, every person apprehended, as aforesaid, shall be tried in manner and form as is expressed in and by the act, entitled 'An act to regulate trade and intercourse with the Indian tribes.'"

Several amendments were proposed and agreed to. At last, Mr. VENABLE proposed one, which was, in substance, that persons should not be liable to the operation of the law who were in pursuit of Indians that had committed actual hostilities on the frontier.

Mr. SEDGWICK paid many compliments to Mr. VENABLE, as a sound lawyer, who certainly knew that, by the inherent rights of nature, every man was to pursue and punish those who had robbed him. This was implied in the bill, and was a part of the law of nature, so that there could be no use for its insertion.

Mr. VENABLE, in reply, declared that he was not so sound a lawyer as the gentleman supposed him to be. He was not so sound a lawyer as to discover that there was any such implication in the bill as the gentleman stated. Neither was he a sound enough lawyer to see, that, if his amendment was really implied in the bill, there could be any harm in having it expressed. At present he could discover no such implication. On the contrary, he saw very plainly, that, by the resolution as it now stood, a man whose family had been murdered or carried off by the savages, might, while pursuing them, be stopped and sent to jail. Mr. V., from the admission of Mr. SEDGWICK himself, insisted on the propriety of adopting his amendment.

Mr. HILLHOUSE objected to the permission of armed individuals crossing the line, upon any pretence whatever. What use was there for expending millions every year in defence of the frontier people, if they were to be at liberty to cross the Indian line as often as they pleased, and to do what was to all intents and purposes carrying on

war? If they will fight, let us recal our forces and leave them to fight for themselves. Are they, for the stealing of a horse, or some such thing, to cross the line in armed bodies, and act just as they please? Mr. H. utterly denied the doctrine admitted by Mr. SEDGWICK, that a man was authorized to chastise by his own hand those who had injured him. Was he to be both judge and executioner in his own case? No such thing.

Mr. GREENUP said, that, in coming to Congress every year, he was obliged to pass over territories belonging to Indians, and he always thought it necessary to carry a gun. He did not see, by the resolution as it stood, why the military officers of the United States might not stop him, as well as other people.

Mr. MOORE objected to the clause, altogether. It is usual for people on the frontier to send out parties over the line to watch the Indians, and when they are coming to give notice, that the country may be prepared for their reception. Now, these people may be seized by your officers.

Mr. FINDLEY imagined it would be the best way to declare that there shall be no frontier. It had been said by Mr. HILLHOUSE, that the United States might withdraw their forces, and leave the frontier settlers to defend themselves. Did he imagine, that as it is, they are not kept in a perpetual state of alarm, of exertion, and of danger? There has not been a harvest for many years past where the people have not been called off from their labors, and, to their very great loss, to protect the frontier. This resolution not to allow a pursuit, would be inviting the Indians with a witness.

Mr. SEDGWICK said, that this amendment, in reality, destroyed all that had been done or intended. No military officer, after such an amendment, will run the risk of taking a man up. The prisoner has only to say, "I am in pursuit of Indians," and then he must be set at liberty; for, in the wilderness, no evidence can be had to contradict him. The amendment, therefore, was a *coup de grace* to the whole affair. Mr. S. said he was personally extremely hurt at the constant complaints of the inefficiency of the defence afforded on the frontier, which cost annually so much to Government.

Mr. BLOUNT thought that the best way would be, to let it be known that the whites were authorized to pursue the Indians into their own country, and then they would stand more in awe. He mentioned a circumstance that happened within memory, to prove how much the Indians feared a serious attack, and how well they remembered a serious chastisement. Mr. B. stated that some Indians had made an incursion, and were stealing cattle belonging to the Army, at a block-house. One of them was most deservedly shot, and the soldier had his pay stopped.

Mr. HILLHOUSE said, the more that he thought of this amendment, the more he saw its mischievous consequences. It went to invert all the laws that had been made for the protection of the Indians; and, instead of being a bill to protect them from the whites, the resolutions would produce a bill to protect the whites from them.

Mr. SMILIE objected to Mr. SEDGWICK's hav-

FEBRUARY, 1795.]

Indian Trading Houses.

[H. OF R.]

ing threatened that the Army of the United States should be withdrawn from the frontiers. [He had made some other advances against that gentleman, to which Mr. SEDGWICK answered not loud enough to be heard; but at this last, he arose, and said that he would not sit still to hear himself thus quoted for affirmations of which he had never uttered a single word.]

Mr. FIRZSIMONS really hoped that the House would not agree to this amendment. It would totally defeat all the effects proposed by the bill. It had been said that if a man had his family murdered, and he was in pursuit of the murderers, he might be stopped, by a military officer, and sent to jail. The answer was, that if the officer refused to join him in the pursuit, he would lose his commission. He should be sorry if those resolutions, which had cost so much time and labor to the House, were thus to be thrown away.

The amendment was, on a division, carried—yeas 36, nays 28. The Committee then rose.

SATURDAY, February 28.

An engrossed bill to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar," was read the third time and passed.

Mr. HEATH, from the committee appointed on the 12th of December last, respecting the settlement of the accounts of the former Government, and the unpaid balances due thereon, reported a statement of accounts which originated under the late Government, and which have been settled since the establishment of the Treasury Department, to the 31st day of December, 1794; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to amend the second section of an act to erect a light-house on the head land of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracoke, in the State of North Carolina;" to which they desire the concurrence of this House.

The said bill was read twice, and ordered to be committed to Mr. B. BOURNE, Mr. BLOUNT, and Mr. WATTS.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying further statements in the cases of claimants to be placed on the list of pensioners, returned to the War Office by the Judges of the District Courts of the United States, since his report of the 21st instant, and of the additional evidence received further to support certain claims, formerly stated; which were read, and ordered to be referred to the Committee of Claims, with instructions to report thereon, by bill or otherwise.

Mr. BEATTY at several times had moved that the bill amendatory of the "act laying duties upon carriages for the conveyance of persons," reported by him a few days since, should be taken up. The pressure of other more important business before the House prevented his motion from succeeding, so that this bill may be expected to stand over in its present shape till next session.

Mr. TRACY, from the Committee of Claims, to whom were referred the reports of the Secretary of War, accompanying sundry statements in the cases of claimants to be placed on the list of pensioners returned to the War Office by the Judges of the District Courts of the United States, made a report; which was read. Whereupon,

Ordered, That a bill or bills be brought in making provision for the cases of the said claimants, respectively; and that the Committee of Claims do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned;" to which they desire the concurrence of this House.

The said bill was read twice, and ordered to be committed to Mr. SWIFT, Mr. SCOTT, and Mr. VENABLE.

Mr. SEDGWICK, from the committee appointed, presented a bill supplementary to the act, entitled "An act to regulate trade and intercourse with the Indian tribes;" which was read twice, amended at the Clerk's table, and, together with the amendments, ordered to be engrossed, and read the third time on Monday next.

INDIAN TRADING HOUSES.

It was moved that the House should resolve itself into a Committee on the bill for establishing trading houses for the purpose of supplying the Indian nations within the territory of the United States. This was done accordingly, Mr. SHERBURNE in the Chair.

Mr. GILES then moved to strike out the first section.

Mr. GOODHUE wished to move that the Committee rise; to which Mr. GILES agreed. Mr. GOODHUE then said, that his reason for this motion was the inattention of members to the business before them. To attempt going through the bill at present was a perfect farce. He was satisfied that the bill would never go through this session. He did not, for his own part, yet know whether it was proper or not.

Mr. PARKER said, that the bill had been long enough before the House for the gentleman from Massachusetts to have made himself acquainted with its contents and its merits. He vindicated the principle of the bill, as tending to conciliate the affections of a distressed and unhappy people, and as it might likewise prevent the expenses of a war with them. France, Britain, and Spain, had adopted this policy, and found the good effects of it. He considered the bill as of the utmost consequence, and, thinking so, he should use his utmost influence to get it passed. The expense proposed was not great, as the affair was only experimental.

Mr. MONTGOMERY was of the same opinion with the gentleman who spoke last. He thought that the Indians had common sense enough not to quit allies who supplied them with articles which they wanted, till we also made some effectual establishment of that kind. The member

H. of R.]

Indian Lands in Georgia.

[FEBRUARY, 1795.]

went on the same ground with the gentleman who spoke last.

Mr. Boudinot thought that the reason given by Mr. Goodhue for moving that the Committee should rise, viz: that gentlemen would not attend to their duty, was the worst imaginable. What did the House meet for at all? It was the duty of the Chair to compel them to mind their business. Mr. B. then referred to something which had been said by Mr. Swift, who had been up just before Mr. Boudinot. Mr. B., in reply to this gentleman, said, that he would not wish to press the bill this session if members did not think it proper. He was willing, if agreeable, to refer the matter for one year to the President. But there never would nor could be a complete peace till something of this kind was done. The President himself had told us as much.

Mr. Giles said, that the bill could not be got through this session. He was willing to take the question either in the first way that he had moved it, or in any other. This was a most improper time of the session to bring it in.

Mr. Murray hoped that the Committee would seriously attend to the first clause in the bill, and would not rise. He felt the shortness of the time, but he was willing to devote to-morrow (Sunday) to this subject, and he trusted that the importance of it would give the employment a solemnity not inconsistent with the day. Without a bill to establish a well-guarded intercourse with the Indians, the frontier policy will be unsystematic and despicable. To complete the system, it appeared to him that three great objects are to be embraced: 1st. Force to protect the frontier from Indian invasion—for this the military establishment is made. 2d. A regulation, by law, that shall restrain the frontier people from predatory invasion into the Indian country, carrying law and settlement hand in hand. 3d. The establishment of trading houses under the influence of the two first parts of the system, for the purpose of conciliating the Indians by supplying their wants, and detaching their habits of trade and their affections from a foreign nation. With these three points embraced in one system, he had no doubt but their co-operation would produce the great object, peace on the frontier. Without the last, the other parts of the system would be totally inefficient.

Mr. Hillhouse said, that the House ought to begin at the right end of the subject, by reversing the vote which the Committee passed yesterday, authorizing the frontier people to pass the line in pursuit of the Indians as often as they pleased. If this was allowed, it would be impossible ever to keep the peace.

On a division, shall the Committee now rise? it was determined in the affirmative—Yeas 35, nays 31.

The question was then put by the Speaker, Shall the Committee have leave to sit again? It passed in the affirmative—Yeas 34, nays 33.

But it was presently remarked, that some gentlemen had risen both in the yeas and nays; others had been without the bar. The question was, therefore, taken over again, and determined

in the negative—Yeas 36, nays 41. The bill is, therefore, thrown out.

INDIAN LANDS IN GEORGIA.

The House proceeded to consider the resolutions and amendments thereto, reported yesterday from the Committee of the Whole House on the report of the committee to whom was referred a motion of the 25th instant, respecting such persons as shall be assembled or embodied in arms, on any lands belonging to Indians out of the ordinary jurisdiction of any State, or of the territory of the United States South of the river Ohio: Whereupon,

The first resolution being read, in the words following, to wit:

Resolved, That all persons who, unauthorized by law, and with hostile intent, may be found in arms on any lands allotted or secured to the Indians by treaties between the United States and any Indian tribes, shall, on conviction thereof, forfeit a sum not exceeding — dollars, and be imprisoned not exceeding — months."

And the amendment thereto, reported by the Committee of the Whole House, to add to the end thereof the words, "unless it shall be in immediate pursuit of Indians who shall have recently committed hostilities."

When the question was about to be taken on it, Mr. Venable rose, and pointed out the difference of opinion between two gentlemen who were both opposed to his amendment. One of them [Mr. Sedgewick] had maintained that, when individual Indians, unauthorized by the rest of their tribe, crossed the line and committed depredations, a settler was, by the law of nations, authorized to pursue them across the line and to retaliate, and that this was implied in the bill. Mr. Hillhouse had materially differed from him, and agreed with Mr. Venable, in supposing that the person so pursuing across the line was punishable by the resolution as it stood, without the amendment. He then reminded the House that this frontier line was perhaps fifteen hundred miles long. The Indians may come over any part of it, while the citizens of the United States are not to be allowed to cross it one mile in pursuit. Even a man in pursuit of savages who may have carried off his wife and children, may be stopped. The amendment he regarded as essential. Military officers may judge on the spot whether such persons whom they meet beyond the line, in pursuit of Indians, are within the sense of the act or not.

Mr. Ames denied that the resolution as it first stood took away the right of a man to pursue the Indians in order to recover his wife and children. But the amendment of Mr. Venable went to legalize all those acts of violence and revenge, that, for a century past, have deluged the frontier with blood.

Mr. Lyman vindicated the inhabitants of the frontier. If the Indians are so unfortunate as to be the dupes of other nations, (viz: the Spaniards and British,) that is not our fault. The frontier people, from time to time, have done every thing in their power to keep them in peace.

Mr. Hillhouse opposed the amendment.

FEBRUARY, 1795.]

Indian Lands in Georgia.

[H. of R.]

Mr. McDowell said, that weekly and daily murders were committed by the Creeks in the district of Mero and in the Southwestern Territory. Do the United States avenge these murders? No. Do they demand back the property carried off? No. Instead of any satisfaction to the people, their characters are abused on this floor. The frontier people know that their happiness consists in peace, and, therefore, cultivate it as much as they can. He took a general view of the subject, and explained the insignificance of the posts as at present held by the troops of the United States for any purpose of protection. He noticed the inveterate hatred of the Indians against the whites, and their innate thirst of blood.

Mr. MOORE went on the same grounds.

Mr. GILES did not like the harsh style assumed by some gentlemen in speaking of the frontier settlers. An hundred years hence these people would preponderate over this part of the Continent. He represented an Atlantic part of the Union, but, at the same time, he would carefully avoid any thing that might offend the Western people. The first settlers in this country were, when they first landed, frontier settlers. For his own part, he believed that the war between the whites and the Indians would be eternal. He said, that, from some intelligence received this day, there was reason to believe that a war with the Creeks might soon be expected.

Mr. WADSWORTH.—Gentlemen have a great disposition to husband our little time, and I need not mention their manner of doing it. He said that he was willing to grant protection to the frontiers, but not to give leave, as by the amendment proposed, for an eternal war. He thought it calculated to drive the gentlemen on each side of this question into such opposite extremes, that they would never meet again upon the subject. He was willing to grant any degree of protection, but nothing for conquest. He said that the ancestors of the people now in the Atlantic part of the country were once frontier people, and he believed them to have been neither worse nor better than the present settlers, who are in the same situation. We are told of murders and robberies committed by the Indians; but the accounts of some of the officers employed by Government vary a little from this, and give room to suspect that there may be some error on both sides. He did not believe that this amendment would pass; but, if it should do so, it would widen the difference of opinion in the House.

Mr. PAGE was for the amendment.

Mr. CARNES could not conceive the reason why all regulations made in this House were for Indians only, as if the whites were constantly the aggressors. He asked if the Creeks performed a single tithe of the treaty of New York, about which there had been so much parade? No. The only design of Indians in making a peace is to get presents, for these they always get. As soon as these are spent they commit a new set of murders, in the hopes of another treaty. Thus they always have gone on, and always will go on, from murders to treaties, and from treaties to mur-

ders. Mr. C. complained that a gentleman from Maryland [Mr. MURRAY] had some days ago called the frontier people semi-savages. He hoped that such an expression would never again be used in that House. As to the treaty of New York, he might be told that the Creeks restored a number of women and children. He knew that; but he also knew that, before they did so, the relations of those people were obliged to put their hands in their pockets and pay large sums for their redemption, as the prisoners would not have been delivered up in consequence of the treaty of New York. This bill, without the amendment of Mr. VENABLE, would be an encouragement to the savages to come over the line and murder with impunity.

Mr. SCOTT was entirely in favor of the amendment. If the resolution passes without the amendment houses will soon be smoking and blood running. He believed that the subject in question was beyond the reach of human wisdom to regulate. He thought that striking out the amendment would only encourage the Indians to come in a body across the line. This they were never afraid of doing. The only thing which they feared was a pursuit, and this was to be effectually prevented by striking out the amendment. Was there ever such a thing heard of before as that, when the savages have carried off a man's wife and children, he must not be at liberty to pursue them? It would be the most frightful thing imaginable for the House to pass a law declaring such a pursuit criminal. Mr. S. could figure a case where the farm of a settler might come close to the Indian line, and the Indians might stand on the other side of the line and shoot him, and his neighbors would not be at liberty to pursue the murderer. Mr. S. said, that in that part of the country where he resided (Washington county) nothing of this kind was to be feared, as the line was at a sufficient distance from the cultivated lands, but there were other places on the frontier of the United States where this might happen. He said that no Christian nation had a right to ask better terms than this amendment offered to the savages. Stay upon your own side of the line and you are safe, but, if you cross over to us, we shall cross over in pursuit of you. This was fair play. If the resolution passed without the amendment, Mr. S. said that the Indians would immediately encamp close on their side of the line, and lie in watch there for whole months together, till they found a safe opportunity of crossing.

Mr. MURRAY said, he would make a remark or two on the criticism of the gentleman from Georgia, who had felt affected by an expression of his a few days since, when he called some of the people of the frontier "semi-savages." He did so, and he felt the expression not inapplicable. He confined the import of this expression exclusively to those upon the frontier who lead an unstationary life—who press forward into the deeper wilderness, by the new waves of advancing population, and live the life of savages without their virtues. He begged leave to call the gentleman's

H. of R.]

Indian Lands in Georgia.

[FEBRUARY, 1795.]

attention to a declaration of his own last session, to justify this expression, which he used more to designate a peculiar than a general character of the people in the region to which he applied it. The gentleman said, he did not value the lives of one hundred Indians as much as the life of one white man, or words to that extent. [This was in a debate just before the close of the last session. The words of Mr. CARNES were, "I would not give the life of one white man for that of fifty Indians."] Mr. MURRAY said, he had two points always in his view when the frontier was a subject in that House—protection to the frontier against the hostility of the Indians, and restraint upon the whites to prevent the occasions of war against the savages. He had given every testimony to the first by supporting every measure for their defence; that he represented a district perfectly beyond the danger of the Indians, was proof that he was actuated in his votes for appropriation and force by no other motive than that which belonged to every man there who supported the great principle of Government, that the whole must protect the parts. He wished to see such a system established, combining these two points, as would give complete protection against the Indians, and yet restrain the whites from violating peace. He wished to see the day when the arms of the Government might, without a crime, strike a whole tribe, if that tribe or its members waged war on the frontiers. But, to do this, it was necessary to place our relative situation so as that justice might be secured. He wished to adopt a regulation like the present, to prevent our fellow-citizens from the gratification of private revenge, the source from whence so much blood is shed. In order to justify exemplary punishment on Indian tribes, you must first be in a situation to restrain the whites from doing injustice to them. You must do what all nations have done, when, from the general or local state of civilization, private war disturbs public tranquility—you must restrain the right of private war, by placing the power of vengeance out of the reach of individuals, and in the hands of Government. Nor did this idea go at all to restrain that unalienable right of resistance against imminent danger, which was sanctioned by the law of nature. The picture drawn by the gentleman from Pennsylvania, [Mr. SCOTT,] with his accustomed ability and force, was certainly an interesting one—were an encampment of Indians to be heard in the woods near a settlement, after any evidence of hostility, he did not doubt but the neighbors would be perfectly justifiable in changing the scene of blood from the cottage to the camp—if the amendment which actually arms all the passions of revenge with the rights of law, be rejected, you will attain one of the great objects of frontier policy—the ability to restrain the right of private war, from which public war arises as a consequence. The Government will, when this ability to restrain is complete, become responsible for the protection of the whites against the savages. Until that is accomplished, he did not believe Government could, either in justice or policy, expend treasure

or use force, when uncertain of the justice of the cause. He therefore hoped that the amendment would be rejected.

Mr. FINDLEY was for the amendment, and mentioned several examples to prove the cruelty and perfidy of the Indians.

The amendment itself was in these words: "Unless it shall be in immediate pursuit of the Indians who have recently committed hostilities."

Mr. MADISON did not think the question explicit; he, therefore, proposed another, which was to prevent the pursuers from coming within a certain number of miles of an Indian town. He was extremely doubtful whether his amendment or any other would effectually answer the end proposed. He was convinced that no law of any kind would be able to hinder people from crossing the line in pursuit of Indians, who might have carried off their families.

Mr. HARPER said, that however little time the House had to spare, and however long the discussion might have been, he could not help trespassing on their patience for a short time to deliver his sentiments, as he thought himself tolerably acquainted with the subject. He expressly denied that the Indians ever committed any murder without previous provocation. The process is shortly this: An Indian crosses the line and steals a horse. And as long as Indians exist they will always steal horses. The man to whom the horse belonged collects as many of his neighbors as he thinks sufficient, pursues the Indian, and not contented with recovering his horse, he kills the thief. The Indians, who have no such sacred ideas of property, immediately come over the line, and in revenge murder a number of innocent people. Indian murders are not unprovoked. They are not of that stamp. Mr. H. considered the amendment of Mr. VENABLE as a source of endless confusion. Any man, if it passed, might cross the Indian line as often as he thought proper, and say that he was in pursuit of Indians with prisoners. I undertake, (said he,) if you will give me an hundred dollars, to go to the frontier and get a witness who will come into a Court of Justice and swear that on such a day ten Indians came over the line in arms. Mr. H. said he was personally acquainted with the frontiers. He had a high respect for the inhabitants, there were many very worthy people among them, but likewise many others of a very different kind. This amendment will set open a door to all sorts of fraud and mischief. Mr. H. honored the sentiments of patriotism that gave rise to it, but he could not possibly agree to the propriety of its insertion.

Mr. WHITE, the member from the Southwestern Territory, said, that he had to complain of the slaughter of near four hundred citizens under the auspices of your Government. He felt himself much affected, and as to the doctrine of Indian killing, only in retaliation, he denied it altogether. The love of blood was hereditary in them. When the gentleman says that with an hundred dollars in his pocket, he can find ten men on the frontiers—[Mr. HARPER explained, that he only said he could

FEBRUARY, 1795.]

Public Debt.

[H. OF R.]

find a witness.]; Well, (said Mr. W.) if the gentleman did not mean a reflection on the frontiers, he meant nothing at all. I know not how well the gentleman may be practised in the arts of subornation, but I myself know of no such man. [Mr. HARPER—I expected the gentleman would confine himself to a decent answer.] Mr. W. proceeded to observe that no man acquainted with the frontiers had made any such assertion as the gentleman had done. He was likewise extremely surprised at the gentleman from Maryland, for having persisted in affirming that many of the frontier people were semi-savages.

The yeas and nays were now taken on the amendment, which was lost by a majority of 7—yeas 39, nays 46, as follows:

YEA8.—James Armstrong, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, William J. Dawson, George Dent, Samuel Dexter, Gabriel Duvall, Benjamin Edwards, William Findley, Christopher Greenup, William B. Grove, George Hancock, Carter B. Harrison, John Heath, William Irvine, Matthew Locke, William Lyman, Nathaniel Macon, Joseph McDowell, Alexander McBane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, Alexander D. Orr, John Page, Thomas Scott, John Smilie, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Richard Winn, and Joseph Winston.

*NAYS.—Fisher Ames, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Henry Dearborn, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Robert Goodloe Harper, James Hillhouse, William Hindman, Samuel Holten, John Hunter, Aaron Kitchell, John Wilkes Kittera, Amasa Learned, James Madison, Francis Malbone, William Vans Murray, Nathaniel Niles, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Israel Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, Benjamin Williams, and Paine Wingate.

Mr. GILES, who had been in the House during the whole debate, had gone out just before the question was put, and returning immediately after the names had been called, asked leave to vote. The rule of the House was read by the SPEAKER, which is, that no member shall vote who was not present at putting of the question. Mr. G. on this account was not allowed to vote.

Mr. CARNES then moved to amend the said resolution by adding to the end thereof the following words:

“Unless it shall be in continuation of a pursuit to a distance not exceeding ——— miles beyond the line of the particular Indians who shall have recently committed murder, or may be carrying off captives or plunder.”

It was resolved in the affirmative.

The said resolution, as amended, was then again read, and agreed to by the House, as follows:

Resolved, That all persons who, unauthorized by law, and with hostile intent, may be found in

arms on any lands allotted or secured to the Indians by treaties between the United States and any Indian tribes, shall, on conviction thereof, forfeit a sum not exceeding ——— dollars, and be imprisoned not exceeding ——— months, unless it shall be in continuation of a pursuit to a distance not exceeding ——— miles beyond the line of the particular Indians who shall have recently committed murder, or may be carrying off captives or plunder.

The second resolution being again read, and amended, was, on the question put thereupon, agreed to by the House, as follows:

Resolved, That it shall be lawful for the military force of the United States to apprehend every person or persons found in arms as aforesaid, and him or them to convey to the civil authority of the United States within some one of the States, who shall, by such authority, be secured to be tried in manner and form as is provided in and by the act, entitled “An act to regulate trade and intercourse with the Indian tribes:” *Provided*, That no person shall be confined, after his arrest, and before his removal, more than ——— days.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. SEDGWICK, Mr. MADISON, and Mr. HILLHOUSE, do prepare and bring in the same.

PUBLIC DEBT.

A message from the Senate informed the House that the Senate have passed the bill, entitled “An act making further provision for the support of Public Credit, and for the redemption of the Public Debt,” with amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; and the same being read,

A motion was made to strike out the section proposing an additional half per centum to the holders of the Foreign Debt, if they should subscribe the same to the Domestic Debt, so as to make the principal and interest payable at the Treasury of the United States.

Mr. HEISTER observed, that he should vote for striking out that section; that doing so would not derange the other parts of the bill, as every other provision in it would be complete without this section. He was anxious to have it stricken out, because he conceived it was making a most important change in the system of our Debt, a change which, if by experience we should find injurious, it would be out of our power to remedy. He confessed there was an inconvenience and expense in remitting such large sums as the interest of our Foreign Debt and instalments to Europe; but asked, if that inconvenience would be remedied by paying at the Treasury of the United States, and whether subscribing it here really made it Domestic Debt? If it did, he should think it well worth half a per centum in addition to the present rate of interest; but that, he said, would not be the case; the money was still owned in Europe, and must go there, remit it who will, and therefore he conceived that the effect of the proposed alteration in the Debt would be no other than this: that

instead of the United States remitting upon the best possible terms they can, a private concern in Europe would be enabled to remit as they pleased, and for which they would be well paid; for one-half per cent. added to the present interest, is, according to the different loans, from ten to twelve-and-a-half per cent. on the gross sums to be remitted; and that in times of peace they might remit specie at an expense of two-and-a-half per cent., and make a profit of from seven to ten per cent. Why, said he, cannot our own Treasury Department make this remittance, and save the difference, when it may be convenient to ship money, and that of this we ought always to be able to judge ourselves?

He did not, however, dread this as the greatest evil; he found a greater to both the agricultural and mercantile interests of the country.

It was, he said, well known that a single concern (he meant the Willinks, Van Staphorst, &c., merchants of Amsterdam) were the directors of the chief of our loans in Europe, and that the interest they had to receive upon the Foreign Debt alone amounted to between five and six hundred thousand dollars annually; and that besides this they were the directors of very large purchases made, and perhaps still making, of our Domestic Debt, which they had organized, and now conducted in the nature of a bank, so that we could not in either case, expect the subscriptions of individual holders of our Debt, and that consequently this would be no inducement for them to remove here. If, therefore, that Debt was subscribed at all, it would be by these directors. He believed that the command of such enormous sums of money to be received by a single house annually from this country, would be dangerous to our trade; for, by the bare dread of our banks and moneyed institutions where the public money is kept, that these sums might be drawn out for exportation, they would be obliged to narrow their discounts, so as very much to restrain our exporters in their purchases and prices. He confessed he did not believe it would injure the Middle States, whose produce would find a market in the West Indies, as well as in Europe, as much as it would those States whose rice and tobacco solely depended on the European market, and was more an object for remittance. For if the agents of those gentlemen should make a point of keeping down the price of the articles they wanted to purchase, that might be effected by drawing largely on the Treasury, so as to produce a scarcity of cash at the time of their coming to market. This, he believed himself, might be expected from people who do everything by calculation. For, as the interest is to be paid to the individual money-lender in Holland but once a year, and by this plan it is to be paid here quarterly, the remittance may be made to the directors in good time, either in specie, produce, or bills, at the pleasure of the receivers; that, although it might cost the Treasury, as had been stated, near ten per cent. to remit bills, it ought to be considered that when the merchant sells his bills high, it enters into the price of the articles he purchases, so that what is lost to the Treasury is got by the

seller of the produce: that these reasons induced him to hope the motion to strike out the section would prevail.

The motion was withdrawn.

After some discussion, the amendments were agreed to, with an additional amendment upon those of the Senate.

INTERCOURSE WITH FOREIGN NATIONS.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

In my first communication to Congress, during their present session, I gave them reason to expect that "certain circumstances of our intercourse with foreign nations" would be transmitted to them. There was, at that time, every assurance for believing that some of the most important of our foreign affairs would have been concluded, and others considerably matured, before they should rise. But, notwithstanding I have waited until this moment, it has so happened that, either from causes unknown to me, or from events which could not be controlled, I am yet unable to execute my original intention. That I may, however, fulfil the expectation given, as far as the actual situation of things will in my judgment permit, I now, *in confidence*, lay before Congress the following general statement.

Our Minister near the French Republic has urged compensation for the injuries which our commerce has sustained from captures by French cruisers, from the non-fulfilment of the contracts of the agents of the Republic with our citizens, and from the embargo at Bordeaux. He had also pressed an allowance for the money voted by Congress, for relieving the inhabitants of St. Domingo. It affords me the highest pleasure to inform Congress that perfect harmony reigns between the two Republics, and that those claims are in a train of being discussed with candor, and of being amicably adjusted.

So much of our relation to Great Britain may depend upon the result of our late negotiations in London, that, until that result shall arrive, I cannot undertake to make any communication upon this subject.

After the negotiation with Spain had been long depending, unusual and unexpected embarrassments were raised to interrupt its progress. But the Commissioner of His Catholic Majesty, near the United States, having declared to the Secretary of State, that if a particular accommodation should be made in the conducting of the business, no further delay would ensue, I thought proper, under all circumstances, to send to His Catholic Majesty, an Envoy Extraordinary, especially charged to bring to a conclusion the discussions which have been formerly announced to Congress.

The friendship of Her Most Faithful Majesty has been often manifested in checking the passage of the Algerine corsairs into the Atlantic Ocean. She has also furnished occasional convoys to the vessels of the United States, even when bound to other ports than her own. We may therefore promise ourselves, that as, in the ordinary course of things, few causes can exist for dissatisfaction between the United States and Portugal, so the temper with which accidental difficulties will be met on each side, will speedily remove them.

Between the Executive of the United States and the Government of the United Netherlands, but little intercourse has taken place during the last year. It may be

MARCH, 1795.]

Intercourse with Foreign Nations.

[H. OF R.]

acceptable to Congress to learn that our credit in Holland is represented as standing upon the most respectable footing.

Upon the death of the late Emperor of Morocco an agent was despatched to renew, with his successor, the treaty which the United States had made with him. The agent unfortunately died, after he had reached Europe, in the prosecution of his mission. But, until lately, it was impossible to determine, with any degree of probability, who of the competitors for that empire would be ultimately fixed in the supreme power. Although the measures which have been since adopted, for the renewal of the treaty, have been obstructed by the disturbed situation of Amsterdam, there are good grounds for presuming, as yet, upon the pacific disposition of the Emperor in fact, towards the United States, and that the past miscarriage will be shortly remedied.

Congress are already acquainted with the failure of the Loan attempted in Holland, for the relief of our unhappy fellow-citizens in Algiers. This subject, than which none deserves a more affectionate zeal, has constantly commanded my best exertions. I am happy, therefore, in being able to say, that, from the last authentic accounts, the Dey was disposed to treat for a peace and ransom, and that both would, in all probability, have been accomplished, had we not been disappointed in the means. Nothing which depends upon the Executive shall be left undone, for carrying into immediate effect the supplementary act of Congress.

G. WASHINGTON.

UNITED STATES, February 28, 1795.

The Message was read, and ordered to lie for consideration.

MONDAY, March 2.

An engrossed bill supplementary to the act, entitled "An act to regulate trade and intercourse with the Indian tribes," was read the third time, amended, and passed.

A message was received from the Senate, disagreeing to the amendment of the House of Representatives, on the bill for the support of Public Credit and the redemption of the Public Debt. The Senate receded from their own amendments at the same time, so that the bill stands as it was originally agreed to.

Mr. TRACY, from the Committee of Claims, presented, according to order, a bill authorizing and directing the Secretary of War to place certain persons, therein named on the pension list; which was read twice, and ordered to be engrossed and read the third time to-day.

Mr. BENJAMIN BOURNE, from the Committee to whom was committed the bill sent from the Senate, entitled "An act to amend the second section of the act for erecting a lighted beacon on Shellcastle Island, in the harbor of Ocracock, in the State of North Carolina," made a report, which was read. Whereupon,

Resolved, That the said bill be rejected.

The House then went into a Committee on the bill authorizing the PRESIDENT to obtain the cession of certain lands in the State of Georgia.

After the bill had been partly read, it was observed by Mr. BLOUNT, that this was not the one which had been moved for. The bill which had

been wanted was then taken up, and it was that, "making conditional provision for the expenses of a treaty with certain Indian tribes." This was the bill respecting the back lands of South Carolina. It was ordered to be engrossed for a third reading.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing extracts of letters and documents from Major General Wayne, and from James Seagrove, agent of Indian affairs for the Creek nation; which were read, and ordered to lie on the table.

Mr. TRACY from the Committee of Claims, to whom were referred sundry reports of the Secretary of War, accompanying statements in the cases of claimants to be placed on the list of pensioners, returned to the War Office by the Judges of the District Courts of the United States, made a report; which was read, and ordered to lie on the table.

Mr. GILES, from the committee to whom were referred the Letter from the Secretary of the Treasury of the twenty-fifth ultimo, enclosing a statement exhibiting the number of officers employed in the management of the revenue from stills and spirits distilled within the United States; as also a Letter from the Commissioner of the Revenue on the subject of compensation to the said officers, made a report; which was read. Whereupon,

Resolved, That the Secretary of the Treasury be directed to lay before the next Congress such a statement of the internal revenues as will ascertain, with precision, the net product thereof, and the expense of collection; and that he also report a list of all the officers employed in that service, and the compensations allowed to each of them.

The House resolved itself into a Committee of the Whole House on the resolution sent from the Senate, authorizing the exportation of arms, cannon, and military stores, in certain cases; and, after some time spent therein, the Committee rose, and reported the said resolution, with an amendment; which was twice read, and agreed to by the House. The said resolution, with the amendment, was then read the third time and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

It appears, from information which I have lately received, that it may be probably necessary to the more successful conduct of our affairs on the coast of Barbary, that one Consul should reside in Morocco, another in Algiers, and a third in Tunis or Tripoli. As no appointment for these offices will be accepted without some emolument annexed, I submit to the consideration of Congress whether it may not be advisable to authorize a stipend to be allowed to two Consuls for that coast in addition to the one already existing.

G. WASHINGTON.

UNITED STATES, March 2, 1795.

The said Message was read, and ordered to be referred to Mr. SEDGWICK, Mr. BODINOT, and Mr. PARKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

H. OF R.] *Duty on Carriages—Intercourse with Indians—Exportation of Arms.* [MARCH, 1795.]

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to regulate the compensation of clerks;" and, after some time spent therein, the Committee rose and reported the bill with an amendment; which was twice read, and agreed to by the House. The said bill, with the amendment, was then read the third time and passed.

A Message was received from the PRESIDENT OF THE UNITED STATES, with copies of a Letter from the Governor of the State of Delaware, and of an Act, enclosed, "declaring the assent of that State to an amendment therein mentioned to the Constitution of the United States." The said Message and papers were read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," with sundry amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and the same being read were agreed to.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of receipts and expenditures for the War Department, from the first day of September to the thirty-first day of December, one thousand seven hundred and ninety-four, inclusive; which were read, and ordered to lie on the table.

Mr. SEDGWICK, from the Committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES of this day respecting the appointment of Consuls, made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the more effectual recovery of debts due from individuals to the United States," with several amendments; to which they desire the concurrence of this House. The Senate have disagreed to the amendment proposed by this House to the resolution "authorizing the exportation of arms, cannon, and military stores in certain cases."

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the more effectual recovery of debts due from individuals to the United States," and the same being read, were agreed to.

An engrossed bill laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose, was read the third time, and passed.

Ordered, That the Letter and report from the Secretary of War of the twenty-eighth ultimo accompanying a further statement in the cases of claimants to be placed on the list of pensioners, which lay on the table, be referred to the Committee of Claims.

Mr. SWIFT, from the committee to whom was committed the bill sent from the Senate, entitled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes

therein mentioned," reported that the Committee had had the said bill under consideration, and made no amendment thereto. The bill was read the third time, and passed.

DUTY ON CARRIAGES.

The House next went into a Committee on the bill for repealing the act laying duties on carriages for persons.

Mr. BOUDINOT proposed, as an amendment, that no carriage should be taxed that is not worth twenty-five dollars.

Mr. FITZSIMONS was against introducing amendments in the present situation of the House, when, if a gentleman really had objections to a bill, he cannot be heard. He did not like to leave it to the discretion of collectors, who, perhaps, never saw a carriage before, to put a value upon one. He wished the matter to stand as it is for the present, till there can be further experience. This amendment was rejected.

The Committee then rose and reported; and the House went through the bill, which was ordered to be engrossed, for a third reading.

INTERCOURSE WITH THE INDIANS.

Mr. FITZSIMONS brought in and read a resolution, that the PRESIDENT be authorized to buy goods, this season, for supporting an intercourse with the Indians.

Letters were then called for and read, from General Wayne, and from Mr. Seagrove, agent, among the Creek Indians. The latter, in strong terms, recommended that something of this kind should be done. It was observed in one of his letters that Spaniards do everything in their power to stir up the Indians to mischief.

Mr. MONTGOMERY hoped that so much would be done as might serve to put the matter on a footing of experiment. He wished that the PRESIDENT might be trusted in the meantime with it, and then the next Congress will be better able to judge. If the Indians go to the British to buy goods, they will still be under British influence. It is as clear as a sunbeam that the establishment of a trade must be the foundation of amity. A bill was ordered to be brought in.

EXPORTATION OF ARMS.

The House proceeded to consider their amendment disagreed to by the Senate to the resolution authorizing the exportation of arms, cannon, and military stores in certain cases connected with the commercial interests of the United States, and for public purposes only. There was added a proviso, that there should be none sent to the Dominions or Territories of any of the European powers now at war.

Mr. DAYTON moved to strike out this proviso.

Mr. SEDGWICK thought that it was a proper one, but he was not at liberty to speak fully on this subject. He feared that if this proviso was not inserted, the House might be involved in a quarrel with some of the belligerent Powers.

Mr. GILES thought that the proviso would put the House into a situation laughable enough. The

MARCH, 1795.]

Invalid Pension Bill—Cession of Georgia Lands.

[H. OF R.]

law that prohibits the exportation of arms expires in June next. Now, if it is necessary to put this proviso into the present bill, for fear of offending foreign nations, it will also be necessary to prolong that act, or otherwise it may be still said that we violate the neutrality. There is no design of prolonging the act, and for that reason it is needless to insert the proviso.

Mr. MADISON was of opinion, with his colleague, [Mr. GILES,] that the proviso would "narrow our national rights." Besides, even the passing of the proviso is worth nothing, for we may send military stores to Hamburg, and from thence they may be transported to any of the nations at war.

Mr. GOODHUE saw this matter in a particular light. This exportation was Governmental, and, if a man-of-war meets this vessel, the proviso will prevent any jealousy.

A motion for striking it out was carried—Ayes 35, noes 30.

The Committee then rose, and reported. The question on the amendment was put.

Mr. B. BOURNE hoped that this amendment would not be agreed to. It might have serious consequences.

Mr. SEDGWICK.—If the amendment itself has any meaning, it is authorizing the PRESIDENT to send military stores to nations at war.

Mr. GILES did not see the use of so much delicacy. The military stores are for a nation that is actually at war, and that, as Mr. G. believed, always will be at war.

The amendment was carried. It was then moved to strike out the word "resolved," and to put into its place, "be it enacted." This was agreed to. The resolution was thus turned into a bill.

Mr. HARPER again moved to get into a Committee of the Whole, on the report of the select committee as to surveying the coasts.

The motion was negatived.

INVALID PENSION BILL.

The bill empowering the Secretary of War to place certain persons therein named on the invalid pension list, was read a third time, and passed.

Mr. CHRISTIE was against the immediate passing of this bill, as he could not be certain, from want of time to examine it, whether all the persons named in it, were entitled to a pension.

Mr. TRACY noticed that he had sat up late for several nights in order to bring it to a completion; and was anxious that it should pass. He mentioned this attention not to claim any merit from having done his duty, but to show that the bill had really been considered. It was mentioned by another member, that some invalids, who were highly meritorious, had been omitted, and that, therefore, it would be better to defer the bill till next session, when these might be included.

Mr. FITZSIMONS said, that not to pass this bill would be the greatest disgrace that ever befell the House. The poor people had waited year after year, and at last, when it was ready to pass, their claims were postponed for another nine months certain, and nobody could tell how much longer.

And then, upon a motion made and seconded, the House adjourned until seven o'clock P. M.

SEVEN O'CLOCK, P. M., MONDAY, March 2.

Mr. DEARBORN, from the committee to whom was referred the petition of the merchants and mariners of Wiscasset, in the State of Massachusetts, made a report; which was read, and ordered to lie on the table.

A message was received from the Senate, notifying that they had receded from their amendment, as to the bill for the exportation of arms.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to alter and amend the act entitled 'An act laying certain duties upon snuff and refined sugar,'" with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and the same being read, were agreed to.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the more general promulgation of the laws of the United States," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

CESSION OF GEORGIA LANDS.

It was then moved that the House should go into a Committee, on the bill to authorize the PRESIDENT to obtain the cession of certain Territories in Georgia, which was agreed to.

Mr. SEDGWICK moved that the House rise and report the bill.

Mr. FITZSIMONS wanted to know the meaning of the words in the bill, "by purchase, or otherwise." If the PRESIDENT is to buy the right from the State of Georgia to the lands which they claim, we ought to make provision for it. What is the meaning of the words?

Mr. SWIFT said, that this bill for the Georgia lands was an unlimited thing. No man had a higher opinion than himself of the PRESIDENT, but it was improper to grant such extensive powers. The House think the State of Georgia wrong in having claimed this land. It will be still more extraordinary in us to propose to buy what they have not a right to sell. We ought to declare at once, that the lands belong to the United States, and not to give any such indefinite power which might offend our constituents. He was ready to allow the Georgians payment of any expense which they might have been at in defending it from the Indians, and nothing else.

Mr. AXES imagined that it would require a wheelbarrow load of documents and papers to determine whether these lands were the property of the State of Georgia, or not. In the last night but one of a session, there was not time for entering into the discussion of the right. He thought it would be good policy to agree to the resolution

H. of R.]

Promulgation of the Laws.

[MARCH, 1795.]

There was, however, an interim danger of persons who claim the lands going and taking them by force, and thus bringing the United States into another war ten times more bloody than the present. He should deplore the disappointment, if the bill did not pass.

Mr. SEDGWICK had an amendment which was for empowering the PRESIDENT to give — dollars for the cession.

Mr. HARPER imagined that to fill up the blank, would be attended with insuperable difficulties. It would be much better to let it stand as it was. To fix the price before you attempt to make the bargain, is quite wrong. We have not information sufficient to know what sum it will be prudent to give. We cannot at this time, appoint a committee to inquire. He advised to refer it to the Secretary of the Treasury to report to next Congress. The fixing a price would be destroying the responsibility of the Executive. He might shelter himself under a vote of the House as having fixed the sum. He was satisfied that the Executive has abundance of reasons for trying to make the bargain as cheaply as he can, but this resolution would destroy the principle of responsibility. We had been told that the Georgians have not a right to these lands, and therefore that it was improper to attempt a purchase from them. In the second place, that, if we had acquired such a right, it would be useless, because we have too much land already. With regard to the former, Mr. H. went into a long historical detail to prove that Georgia actually has a right to the lands in question. He wished that the land did belong to the United States, and wished that it might be bought. We are not to suppose this a mere visionary claim. It is a legal claim, and extends over thirty millions of acres of the finest lands in the world, and most admirably situated both for commerce and emigration. It might, every foot of it, be made worth half a dollar, or a dollar, per acre. Its settlement would tend to open the navigation of the Mississippi. These thirty millions of acres have been sold to certain adventuring companies, at five hundred thousand dollars. If the purchasers themselves had completed their rights, he would advise the repurchase from them.

Mr. DAYTON liked the amendment better than the original resolution. He proposed an amendment which was not distinctly heard. He was sensible of the value of time. The Senate are waiting for the resolution of this House. He said that, in this bill, there had been omitted a tract of land, forty miles square, formerly purchased from the Natchez. He feared that this affair might involve the States in a war with the Creeks, the most formidable tribe of the Indians.

Mr. SEDGWICK said, that his amendment had been amended. We understood that it now included the tract of forty miles square, purchased from the Natchez.

Mr. McDOWELL hoped that the bill would not pass at all. It was a subject of so much intricacy that it could not be discussed at present. He did not think that it would be very honorable in the Government, if the sale was actually completed,

to embarrass the purchasers of the lands, till they should be forced to give up their right.

Mr. FINDLEY liked the resolution better without the amendment.

A member recommended not fixing any sum, but striking it out of the amendment. If the sum is too low, we shall not get the land. If too high, we may be sure that the State of Georgia will not part with it for one farthing less than the whole sum mentioned in the bill. No gentleman can, at present, guess what the land is worth.

Mr. BOUDINOT was for limiting the sum.

Mr. KITTERA requested that the question might be taken.

Mr. McDOWELL moved that the Committee rise, as they had not sufficient information for proceeding. The motion was negatived.

The amendment of — dollars was finally rejected. The bill was reported to the House with amendments—agreed to, and ordered to be engrossed for a third reading.

The yeas and nays were then taken, and stood—yeas 41, nays 24, as follows:

YEAS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Lemuel Benton, Thomas P. Carnes, David Cobb, Peleg Coffin, William J. Dawson, George Dent, Samuel Dexter, Gabriel Duvall, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gordon, Daniel Heister, William Hindman, Samuel Holten, John Hunter, William Irvine, John Wilkes Kittera, Amasa Learned, Matthew Locke, Francis Malbone, Andrew Moore, William Vans Murray, John Page, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, William Smith, Thomas Sprigg, George Thatcher, Uriah Tracy, Jonathan Trumbull, Philip Van Cortlandt, Peleg Wadsworth, and John Watts.

NAYS.—Thomas Blount, Elias Boudinot, Lambert Cadwalader, Gabriel Christie, Thomas Claiborne, Joshua Coit, Jonathan Dayton, Christopher Greenup, William B. Grove, Carter B. Harrison, Robert Goodloe Harper, James Hillhouse, Aaron Kitchell, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Nathaniel Niles, Ismael Smith, Zephaniah Swift, Thomas Tredwell, Paine Wingate, and Joseph Winston.

PROMULGATION OF THE LAWS.

The House then went into a Committee on the petition of Edmund Hogan, and the report of the select committee was read.

Mr. W. SMITH said, that the mere promulgation of the laws was not sufficient. It was proper that the speeches also should be printed. Something in this way had been attempted by the printers of newspapers in this city. Mr. S. had neither inclination nor occasion to cast reflections on any of the persons appointed to take the debates. But there had been considerable discontents in various parts of the Union on this account, from misrepresentations contained in the newspapers. There was a strong necessity for more accuracy. The statements had been extremely incorrect.

Mr. DEXTER followed on the same ground. He said that the newspapers contained a torrent of abuse and misrepresentation, as to what passed in the House.

MARCH, 1795.]

Promulgation of the Laws.

[H. OF R.]

Mr. HILLHOUSE observed, that it would be trifling to direct any person skilled in stenography to apply to the Secretary of State, for the Secretary was not empowered to make any agreement with him; and after persons had put themselves to, perhaps, a great deal of trouble in applying, the House would, very likely, next session, refuse the scheme. It was wrong, therefore, to publish any invitation, till an establishment was actually made.

Mr. CLAIBORNE said, that this would be an *encyclopedie* of printing—a thing, of which the House never would see an end. To this it was answered, that, as to the expense, the House might make themselves easy, for the printers of newspapers would be glad to get them to print by way of news.

Mr. GILBERT proposed, as an amendment, that the reporter should finish his debates every evening, and lay them before the House next morning; and that after the Clerk had read the minutes, the House should go into a Committee to correct the manuscript of the reporter.

The report as it stood was agreed to, as follows:

Resolved, That the Secretary of State be requested to receive proposals from any person or persons skilled in the art of stenography, or capable of reporting debates with accuracy, and to report the same to this House, at the commencement of the next session, with his observations and opinion respecting the qualification of the said person or persons for the said duty, to the end that this House may be enabled to appoint one or more persons as officers of the House, for the valuable purpose above mentioned.

The Committee rose, and on a division of the House, there were—Ayes 28, noes 26.

The House then, at half past ten in the evening, adjourned till Tuesday.

TUESDAY, March 3.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act, entitled 'An act establishing a Mint, and regulating the coins of the United States,'" with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Mr. TRACY, from the Committee of Claims, to whom were yesterday referred a Letter and Report from the Secretary of War, of the twenty-eighth ultimo, accompanying a further statement in the cases of claimants to be placed on the list of pensioners, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report made yesterday by the Committee of Claims, to whom were referred sundry reports from the Secretary of War, accompanying statements in the cases of claimants to be placed on the list of pensioners; and the said report being amended, was agreed to by the House, as follows:

Resolved, That the return of invalid pensioners from the District of New Hampshire, by Samuel Tenney, William Parker, junior, and Ephraim

Robinson, under a commission from John Sullivan, late Judge of the said District, which contains only an abstract of the testimony, be returned by the Secretary of War to the District Judge of New Hampshire, for the purpose of giving an opportunity to return the testimony respecting the invalids contained in the said report, according to the requisitions of law.

On motion,

Resolved, That the Secretary of the Treasury be directed to report to the House of Representatives, at the next session, a tariff of duties on goods, wares, and merchandise, imported into the United States, proportioned to the rates of duties now imposed by law, with his opinion on such other matters as may be necessary for the improvement of the revenue arising from impost and from distilled spirits and stills.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making provision for the purposes of treaty and of trade with the Indians," with sundry amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Ordered, That the Committee of the Whole House on the State of the Union, to whom was referred so much of the Message from the PRESIDENT OF THE UNITED STATES, of the seventeenth ultimo, as relates to the communications from the Governor of the Territory of the United States South of the river Ohio, be discharged from the consideration of the same, and that it be recommended to Mr. FITZSIMONS, Mr. MADISON, and Mr. BLOUNT.

A message from the Senate informed the House that the Senate have postponed to the next session of Congress, the consideration of the bill, entitled "An act authorizing and directing the Secretary of War to place certain persons therein named on the pension list." The Senate have agreed to a resolution "relative to the title to certain lands situate in the Southwestern parts of the United States;" to which they desire the concurrence of this House.

The House proceeded to consider the said resolution, and, the same being read, as follows:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, requested to give directions to the Attorney General to collect, digest, and report to the Senate, the charters, treaties, and other documents, relative to, and explanatory of, the title to the land situate in the Southwestern parts of the United States, and claimed by certain companies, under a law of the State of Georgia, passed the seventh day of January last, namely: a tract of land claimed by James Gunn, Matthew McAllister, and George Walker, and their associates; also, a tract of land claimed by Nicholas Long, Thomas Glascock, Ambrose Gordon, and Thomas Cumming, and their associates; also, a tract of land claimed by John B. Scott, John C. Nightingale, and Wade Hampton, and their associates; and, also, a tract of land claimed by Zachariah Cox and Matthias Maher, and their associates."

MARCH, 1795.]

Revision of the Laws—Thanks to the Speaker.

[H. OF R.]

A motion was made and seconded, to amend the said resolution, by striking out, in the fifth line, the word "Senate," and inserting, in lieu thereof, the words "next Congress." And on the question thereupon, it was resolved in the affirmative.

The said resolution, as amended, was again read, and agreed to by the House.

REVISION OF THE LAWS.

Mr. DEXTER laid a resolution on the table nearly in the following words :

"*Resolved*, That a committee be appointed to consider and report on the propriety of revising the laws of the United States, inflicting capital and other infamous punishments, and of repealing the same in certain cases."

Mr. D. said, that he laid the resolution on the table, hoping that gentlemen would consider the subject as important enough to command some share of their attention during the recess. That the existing laws were so severe as to give impunity to some crimes in the Eastern States, that grand jurors would reluctantly present offenders, and even jurors on trial often acquit them improperly; that he had known a single instance in which an offender despised a trial from a confidence that no evidence could induce the jury to convict him. Mr. D. further observed, that he had long been convinced, that the present punishments were introduced when the rights of men were little understood, and less regarded; that they were unjust and barbarous in principle, and mischievous in practice, as it is not difficult to show that they have a direct tendency to produce the very crimes they are intended to prevent; and that justice, humanity, and even policy, call loudly for a reform. If reasoning should be distrusted, at least facts and actual experiment ought to convince: That such facts had long existed both in Europe and America, as to place it beyond doubt, that savage laws will always make a savage people; that the change of things in Portugal, and particularly in Lisbon, which had lately taken place, was another proof in addition to many others; that the danger of assassination and robbery there had been well known, that the abolition of sanguinary punishments there lately had abolished the crimes; and that he had been informed by a most respectable gentleman just arrived from there that the midnight traveller is now as safe in Lisbon as in Philadelphia.

Mr. D. was not unacquainted with the fears of some very good men, that mitigating punishments would produce an inundation of crimes, especially in large cities; but he said experience had shown that no such danger existed; the best citizens of Portugal had objected from similar fears, but they had happily discovered that such fears were groundless. A Legislature ought to dare to do right, and trust events to Heaven. Moral good cannot produce natural evil as its ordinary fruit.

Mr. D. concluded by observing, that if he should not be a member of the next Congress, he hoped

some gentleman would think the subject important enough to be attended to—at least he should have done his duty—and the resolution would show the opinion of one of the sovereign people, that the criminal code ought to be amended, and he doubted not that the future servants of the public would pay due respect to it.

Ordered, That the Transylvania Company, commonly called Richard Henderson and Company, who presented a memorial to this House on the sixth day of January last, have leave to withdraw the same.

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now about to adjourn without day; and that the Clerk of this House do go with the said message.

A message from the Senate informed the House that the Senate have appointed a committee, on their part, jointly, with such committee as may be appointed on the part of this House, to wait on the PRESIDENT OF THE UNITED STATES, and inform him that Congress is ready to adjourn without day, unless he may have any further communications to make to them.

The House proceeded to consider the said message: Whereupon,

Resolved, That this House doth agree to the resolution of the Senate for the appointment of a Joint Committee of the two Houses, to wait on the PRESIDENT OF THE UNITED STATES, and inform him of the intended recess of Congress; and that Mr. BOUDINOT, Mr. SEDGWICK, and Mr. TRUMBULL, be of the committee appointed on the part of this House.

On a motion made and seconded,

"That the thanks of this House be presented to Frederick Augustus Muhlenberg, in testimony of their approbation of his conduct in discharging the arduous and important duties assigned him while in the Chair."

It was resolved unanimously: Whereupon, Mr. SPEAKER made his acknowledgments to the House in manner following:

"GENTLEMEN: I feel myself highly honored by this distinguished mark of your approbation of my conduct in the station you were pleased to assign unto me; and although I am conscious that my feeble efforts do not merit so precious a reward, yet permit me to assure you that it has made a lasting impression on my mind, and I shall ever esteem it with the most unfeigned satisfaction.

"Gentlemen, I sincerely thank you; may every happiness attend you; may you long continue to enjoy the confidence of your fellow-citizens; and may you meet with their just applause of having deserved well of your country."

Mr. BOUDINOT, from the Joint Committee appointed to wait on the PRESIDENT OF THE UNITED STATES and inform him of the intended recess of Congress, reported that the Committee had performed that service, and that the PRESIDENT signified to them that he had no further communication to make during the present session: Whereupon, Mr. SPEAKER adjourned the House *sine die*.

APPENDIX

TO THE HISTORY OF THE THIRD CONGRESS,

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

PROCLAMATION OF NEUTRALITY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas it appears, that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, on the one part; and France, on the other; and the duty and interest of the United States require, that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial towards the belligerent Powers:

I have, therefore, thought fit, by these presents, to declare the disposition of the United States to observe the conduct aforesaid, towards those Powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

And I do hereby also make known, that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the Law of Nations by committing, aiding, or abetting, hostilities against any of the said Powers; or by carrying to any of them those articles which are deemed contraband by the modern usage of Nations, will not receive the protection of the United States, against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs, to cause prosecutions to be instituted against all persons who shall, within the cognizance of the Courts of the United States, violate the Law of Nations, with respect to the Powers at war, or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the City of Philadelphia, 22d day of April, 1793, and of the Independence of the United States of America the seventeenth.

G. WASHINGTON.

By the President:

T. JEFFERSON.

INSTRUCTIONS TO THE COLLECTORS OF THE CUSTOMS.

PHILADELPHIA, August 4, 1793.

Sir:—It appearing that repeated contraventions of our neutrality have taken place in the ports of the United States, without having been discovered in time for prevention or remedy, I have it in command from the President to address to the Collectors of the respective districts a particular instruction on the subject.

It is expected that the Officers of the Customs in each district will, in the course of their official functions, have a vigilant eye upon whatever may be passing within the ports, harbors, creeks, inlets, and waters, of such districts, of a nature to contravene the laws of neutrality, and, upon discovery of any thing of the kind, will give immediate notice to the Governor of the State, and to the attorney of the judicial district comprehending the district of the customs within which any such contravention may happen.

To assist the judgment of the officers on this head, I transmit herewith a schedule of rules concerning sundry particulars which have been adopted by the President, as deductions from the laws of neutrality, established and received among nations. Whatever shall be contrary to these rules will, of course, be to be notified as above mentioned.

There are some other points which, pursuant to our treaties, and the determination of the Executive, I ought to notice to you.

If any vessel of either of the Powers at war with France should *bring or send* within your district a prize made of the subjects, people, or property of France, it is immediately to be notified to the Governor of the State, in order that measures may be taken, pursuant to the 17th article of our treaty with France, to oblige such vessel and her prize, or such prize, when sent in without the capturing vessel, to depart.

No privateer of any of the Powers at war with France, coming within a district of the United States, can, by the 22d article of our treaty with

Instructions to the Collectors of the Customs.

France, enjoy any other privilege than that of *purchasing such victuals as shall be necessary for her going to the next port of the Prince or State from which she has her commission*. If she should do any thing beside this, it is immediately to be reported to the Governor, and the attorney of the district. You will observe, by the rules transmitted, that the term privateer is understood not to extend to vessels armed for merchandise and war, commonly called with us *letters of marque*, nor, of course, to vessels of war in the immediate service of the Government of either of the Powers at war.

No armed vessel which has been or shall be *originally fitted out* in any port of the United States, by either of the parties at war, is henceforth to have an asylum in any district of the United States. If any such armed vessel shall appear within your district, she is immediately to be notified to the Governor, and attorney of the district, which is also to be done in respect to any prize that such armed vessel shall bring or send in. At foot is a list of such armed vessels of the above description as have hitherto come to the knowledge of the Executive.

The purchasing within, and exporting from the United States, *by way of merchandise*, articles commonly called contraband, being generally war-like instruments and military stores, is free to all the parties at war, and is not to be interfered with. If our own citizens undertake to carry them to any of those parties, they will be abandoned to the penalties which the laws of war authorize.

You will be particularly careful to observe, and to notify as directed in other instances, the case of any citizen of the United States who shall be found in the service of either of the parties at war.

In case any vessel shall be found in the act of contravening any of the rules or principles which are the ground of this instruction, she is to be refused a clearance until she shall have complied with what the Governor shall have decided in reference to her. Care, however, is to be taken in this, not unnecessarily or unreasonably to embarrass trade, or to vex any of the parties concerned.

In order that *contraventions* may be the better ascertained, it is desired that the officer who shall first go on board any vessel arriving within your district, shall make an accurate survey of her then condition as to *military equipment*, to be forthwith reported to you; and that, prior to her clearance, a like survey be made, that any transgression of the rules laid down may be ascertained.

But, as the propriety of any such inspection of a *vessel of war in the immediate service of the Government* of a foreign nation is not without question in reference to the usage of nations, no attempt is to be made to inspect any such vessel, till further order on the point.

The President desires me to signify to you his most particular expectation, that the instruction contained in this letter will be executed with the greatest vigilance, care, activity, and impartiality. Omissions will tend to expose the Government to

injurious imputations and suspicions, and proportionally to commit the good faith and peace of the country—objects of too much importance not to engage every proper exertion of your zeal.

With consideration, I am, sir, &c.

ALEXANDER HAMILTON.

1. The original arming and equipping of vessels in the ports of the United States, by any of the belligerent parties, for military service, offensive or defensive, is deemed unlawful.

2. Equipments of merchant vessels, by either of the belligerent parties, in the ports of the United States, purely for the accommodation of them as such, is deemed lawful.

3. Equipments in the ports of the United States, of vessels of war in the immediate service of the Government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the 17th article of our treaty of amity and commerce with France.

4. Equipments in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize, &c.

5. Equipments of any of the vessels of France, in the ports of the United States, which are doubtful in their nature as being applicable to commerce or war, are deemed lawful.

6. Equipments of every kind, in the ports of the United States, of privateers of the Powers at war with France, are deemed unlawful.

7. Equipments of vessels in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful; except those stranded or wrecked, as mentioned in the 18th article of our treaty with France, the 16th of our treaty with the United Netherlands, the 9th of our treaty with Prussia; and, except those mentioned in the 19th article of our treaty with France, the 17th of our treaty with the United Netherlands, the 18th of our treaty with Prussia.

8. Vessels of either of the parties, not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist therein their own subjects or citizens, not being inhabitants of the United States; except privateers of the Powers at war with France, and except those vessels which shall have made prize, &c.

Report of the Secretary of State, on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries.

PHILADELPHIA, Dec. 16, 1793.

SIR: According to the pleasure of the House of Representatives, expressed in their resolution of

Commercial Privileges and Restrictions.

February 23, 1791, I now lay before them a Report on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries. In order to keep the subject within those bounds, which I supposed to be under the contemplation of the House, I have restrained my statements to those countries only, with which we carry on a commerce of some importance, and to those articles also of our produce, which are of sensible weight in the scale of our exports; and even these articles are sometimes grouped together, according to the degree of favor or restriction with which they are received in each country, and that degree expressed in general terms, without detailing the exact duty levied on each article.

To have gone fully into these minutiae, would have been to copy the tariffs and books of rates of the different countries, and to have hidden under a mass of detail, these general and important truths, the extraction of which in a simple form, I conceived, would best answer the inquiries of the House, by condensing material information within those limits of time and attention which this portion of their duties may justly claim. The plan, indeed, of minute details, would have been impracticable with some countries for want of information.

Since preparing this Report, which was put into its present form, in time to have been given in to the last session of Congress, alterations of the conditions of our commerce with some foreign nations have taken place, some of them independent of the war, some arising out of it. France has proposed to enter into a new treaty of commerce with us on liberal principles; and has, in the meantime, relaxed some of the restraints mentioned in the report. Spain has by an ordinance of June last, established New Orleans, Pensacola, and St. Augustine, into free ports, for the vessels of friendly nations having treaties of commerce with her, provided they touch for a permit at Corubion in Galicia, or at Alicante; and our rice is by the same ordinance excluded from that country. The circumstances of the war have necessarily given us freer access to the West India islands, whilst they have also drawn on our navigation vexations and depredations of the most serious nature.

To have endeavored to describe all these would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, to the Summer of 1792.

I have the honor to be, with the most profound respect, sir, your most obedient and most humble servant,

TH. JEFFERSON.

To the Hon. the SPEAKER of the House of Representatives of the United States of America.

The SECRETARY of STATE, to whom was referred by the House of Representatives the Report of a Committee on the written Message of the President of the United

States, of the 14th of February, 1791, with instruction to report to Congress the nature and extent of the Privileges and Restrictions of the Commercial Intercourse of the United States with Foreign Nations, and the measures which he should think proper to be adopted, for the improvement of the Commerce and Navigation of the same, has had the same under consideration, and thereupon makes the following Report :

The countries with which the United States have their chief commercial intercourse are, Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions; and the articles of export which constitute the basis of that commerce, with their respective amounts, are—

Breadstuff, that is to say, bread-grains, meals, and bread, to the annual amount of				
	-	-	-	\$7,649,887
Tobacco	-	-	-	4,849,507
Rice	-	-	-	1,753,796
Wood	-	-	-	1,203,534
Salted fish	-	-	-	941,696
Pot and pearl ash	-	-	-	889,098
Salted meats	-	-	-	599,130
Indigo	-	-	-	537,379
Horses and mules	-	-	-	339,753
Whale oil	-	-	-	252,591
Flaxseed	-	-	-	236,072
Tar, pitch, and turpentine	-	-	-	217,177
Live provisions	-	-	-	187,743
Ships	-	-	-	
Foreign goods	-	-	-	620,274

To descend to articles of smaller value than these, would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports, which go to the nations before mentioned, and to their dominions, respectively, are as follows :

To Spain and its dominions	-	-	\$2,005,907
To Portugal and its dominions	-	-	1,283,462
To France and its dominions	-	-	4,693,735
To Great Britain and its dominions	-	-	9,363,416
To the United Netherlands and their dominions	-	-	1,963,880
To Denmark and its dominions	-	-	224,415
To Sweden and its dominions	-	-	47,240

Our imports from the same countries are—

To Spain and its dominions	-	-	\$335,110
To Portugal and its dominions	-	-	595,763
To France and its dominions	-	-	2,068,348
To Great Britain and its dominions	-	-	15,285,428
To the United Netherlands and their dominions	-	-	1,172,692
To Denmark and its dominions	-	-	351,394
To Sweden and its dominions	-	-	14,325

These imports consist mostly of articles on which industry has been exhausted.

Our navigation depending on the same commerce will appear by the following statement of the tonnage of our own vessels entering in our ports, from those several nations, and their posses-

Commercial Privileges and Restrictions.

sions, in one year, that is to say, from October, 1789, to September, 1790, inclusive, as follows :

	<i>Tons.</i>
Spain - - - - -	19,695
Portugal - - - - -	23,576
France - - - - -	119,410
Great Britain - - - - -	43,580
United Netherlands - - - - -	58,858
Denmark - - - - -	14,655
Sweden - - - - -	750

Of our commercial objects, SPAIN receives favorably our bread-stuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when re-exported to their colonies, they have lately imposed duties of from half a dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil ; but these articles being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary islands under the same conditions.

Themselves and their colonies are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain—foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

PORTUGAL receives favorably our grain and bread, salted fish and other salted provisions.

For flaxseed, pot, and pearl ash, though not discouraged, there is little demand.

Our ships pay twenty per cent. on being sold to their subjects, and are then free bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own, or any others ; that is to say, on general duties of from twenty to twenty-eight per cent., and, consequently, our navigation is unobstructed by them. Tobacco, rice, and meals, are prohibited.

Themselves and their colonies consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd Islands, except, that in these, meals and rice are received freely.

FRANCE receives favorably our breadstuff, rice, wood, pot, and pearl ashes.

A duty of five sous the quintal, or nearly four and an half cents, is paid on our tar, pitch, and turpentine. Our whale oils pay six livres the quintal, and are the only foreign whale oils admitted. Our indigo pays five livres the quintal ; their own two and a half ; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation ; but if for home consumption, it pays five livres

the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one of twenty livres the quintal.

Our ships are free to carry thither all foreign goods, which may be carried in their own or any other vessels, except tobaccoes not of our own growth ; and they participate with theirs the exclusive carriage of our whale oils and tobaccoes.

During their former Government our tobacco was under a monopoly, but paid no duties ; and our ships were freely sold in their ports and converted into national bottoms. The first National Assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of eighteen livres and fifteen sous the quintal, carried in their own vessels, and twenty-five livres, carried in ours—a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

GREAT BRITAIN receives our pot and pearl ashes free, while those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron—of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flaxseed are free from all countries. Our tar and pitch pay 11d. sterling the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays 1s. 3d. sterling the pound, custom and excise, besides heavy expenses of collection. And rice, in the same case, pays 7s. 4d. sterling the hundred weight ; which, rendering it too dear as an article of common food, it is consequently used in very small quantity.

Our salted fish, and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties ; so are our grains, meals, and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to 50s. sterling the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British Legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law (12 Car. 2, 18, § 3) from carrying thither all and any of our domestic productions and manufactures. A subsequent act, indeed, has authorized their Executive to permit the carriage of our own productions in our own bottoms at its sole discretion ; and the permission has been given from year to year by proclamation, but subject every moment to be withdrawn on that single will ; in which event, our vessels having any thing on board, stand interdicted from the entry of all

Commercial Privileges and Restrictions.

British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion,* when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined to the ports of Great Britain. The Minister of that Court, indeed, frankly expressed his personal conviction that the words of the Order went farther than was intended, and so he afterwards officially informed us; but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement as to other countries where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports 1s. 9d. sterling per ton, light and Trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us is re-exported to other countries, under the useless charges of an intermediate deposit, and double voyage. From tables published in England, and composed as is said from the books of their custom-houses, it appears that of the indigo imported there in the years 1773-'74-'75, one-third was re-exported; and from a document of authority, we learn that, of the rice and tobacco imported there, before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war, are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is re-exported when wheat is below 50s. the quarter, and other grains in proportion.

The UNITED NETHERLANDS prohibit our pickled beef and pork, meals and bread, of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned on a medium at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly reshipped to other maritime countries. On the latter portion they intercept between us and the consumer so much of the value as is absorbed by the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in vessels of any nation.

Our ships may be sold and naturalized there, with exceptions of one or two privileges, which somewhat lessen their value.

DENMARK lays considerable duties on our tobacco and rice carried in their own vessels, and half as much more if carried in ours; but the exact amount of these duties is not perfectly known

here. They lay such as amount to prohibitions on our indigo and corn.

SWEDEN receives favorably our grains and meals, salted provisions, indigo and whale oil.

They subject our rice to duties of sixteen mills the pound weight, carried in their own vessels, and of forty per cent. additional on that, or 22 1/2 mills, carried in ours, or any others. Being thus rendered too dear as an article of common food, little of it is consumed with them. They consume some of our tobaccos, which they take circuitously through Great Britain, levying heavy duties on them also; their duties of entry, town duties, and excise, being \$4 3/4 the hundred weight, if carried in their own vessels, and of forty per cent. on that additional, if carried in our own or any other vessels.

They prohibit altogether our bread, fish, pot and pearl ashes, flaxseed, tar, pitch, and turpentine, wood, (except oak timber and masts,) and all foreign manufactures.

Under so many restrictions and prohibitions, our navigation with them is reduced almost to nothing.

With our neighbors, an order of things much harder presents itself:

SPAIN and PORTUGAL refuse to those parts of America which they govern all direct intercourse with any people but themselves. The commodities in mutual demand, between them and their neighbors, must be carried to be exchanged in some port of the dominant country; and the transportation between that and the subject State must be in a domestic bottom.

FRANCE, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice, and maize, and prohibits our other breadstuff; but a suspension of this prohibition having been left to the Colonial Legislatures, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands under a duty of three Colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

GREAT BRITAIN admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice, and breadstuff, by a proclamation of her Executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish, and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring us in exchange rum, molasses, sugar, coffee, cocoa nuts, ginger, and pimento. There are, indeed, some freedoms in the island of Dominica, but, under such circumstances, as to be little used by us. In the British Continental Colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their Governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

* April 12, 1792.

Commercial Privileges and Restrictions.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called the Navigation Act.

In the DANISH AMERICAN possessions a duty of five per cent. is levied on our corn, cornmeal, rice, tobacco, wood, salted fish, indigo, horses, mules, and live stock; and of ten per cent. on our flour, salted pork, and beef, tar, pitch, and turpentine.

In the American islands of the UNITED NETHERLANDS and SWEDEN our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the Continent.

To sum up these Restrictions so far as they are important:

1. IN EUROPE.—Our breadstuff is at most times under prohibitory duties in England, and considerably dutied on re-exportation from Spain to her colonies.

Our tobaccos are heavily dutied in England, Sweden and France, and prohibited in Spain and Portugal.

Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.

Our fish and salted provisions are prohibited in England, and under prohibitory duties in France.

Our whale oils are prohibited in England and Portugal.

And our vessels are denied naturalization in England, and of late in France.

2. IN THE WEST INDIES.—All intercourse is prohibited with the possessions of Spain and Portugal.

Our salted provisions and fish are prohibited by England.

Our salted pork and breadstuff (except maize) are received under temporary laws only in the dominions of France, and our salted fish pays there a weighty duty.

3. IN THE ARTICLE OF NAVIGATION.—Our own carriage of our own tobacco is heavily dutied in Sweden, and lately in France.

We carry no article not of our own production to the British ports in Europe.

Nor even our own produce to her American possessions.

Such being the restrictions on the commerce and navigation of the United States, the question is, in what way they may best be removed, modified, or counteracted?

As to commerce two methods occur: 1. By friendly arrangements with the several nations with whom these restrictions exist; or, 2. By the separate act of our own Legislature for countervailing their effects.

There can be no doubt but that of these two friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world—could every country be employed in producing that which nature has best fitted it to pro-

duce, and each be free to exchange with others mutual surplusses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness—the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce, in all its extent, might still be willing to mollify its restrictions and regulations for us in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessities of life, or materials for manufacture, or convenient subjects for revenue; and we take in exchange either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market—customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behoves us to protect our citizens, their commerce, and navigation, by counter prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry it is valuable; but, as a resource of defence, essential.

Its value, as a branch of industry, is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, that is to say, when those nations who may be our principal carriers, shall be at war with each other, if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels at the increased expense of war-freight and insurance, and the articles which will not bear that must perish on our hands.

But it is as a resource for defence that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land,

Commercial Privileges and Restrictions.

board, and nothing to desire beyond their present rights. But, on their seaboard, they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen, and of artists and establishments in readiness for ship-building.

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But if particular nations grasp at undue shares, and more especially, if they seize on the means of the United States to convert them into alient for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, or it will be disarmed of its defence; its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists, whom it now occupies, we lose the present means of marine defence, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation are ours in abundance; and, as to the mode of using them, we have only to adopt the principles of those who thus put us on the defensive, or others equivalent and better fitted to our circumstances.

The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation:

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs, first burdening or excluding those productions which they bring here in competition with our own of the same kind—selecting next such manufactures as we take from them in greatest quantity, and which at the same time we could the soonest furnish to ourselves, or obtain from other countries—imposing on them duties lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind may induce the manufacturer to come himself into these States where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may insure him the highest profits from his skill and industry. And here it would be in the power of the State Governments to co-operate essentially by opening the resources of

encouragement which are under their control, extending them liberally to artists in those particular branches of manufacture, for which their soil, climate, population, and other circumstances, have matured them, and fostering the precious efforts and progress of household manufacture by some patronage suited to the nature of its objects, guided by the local informations which they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture in foreign ports would thus be made the occasion of relieving it from a dependence on the councils and conduct of others, and of promoting arts, manufactures, and population at home.

2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours, or modify their transactions.

3. Where a nation refuses to receive in our vessels any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the Committee are well formed to effect this object.

4. Where a nation refuses to consider any vessel as ours, which has not been built within our Territories, we should refuse to consider as theirs any vessel not built within their Territories.

5. Where a nation refuses to our vessels the carriage even of our own productions to certain countries under their domination, we might refuse to theirs, of every description, the carriage of the same productions to the same countries. But as justice and good neighborhood would dictate, that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant Power, other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too sudden a check on the means of transportation, we may continue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only as may be supposed necessary to provide against that inconvenience.

The establishment of some of these principles by Great Britain alone has already lost us in our commerce with that country and its possessions between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials in which they have confidence. This involves a proportional loss of seamen, shipwrights, and ship-building, and is too serious a loss to admit forbearance of some effectual remedy.

It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth, and loss of force, which will follow our perseverance in the

Decrees Relating to Commerce.

plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation, by duties and prohibitions, as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them, but to our own means of independence, and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before-mentioned—perhaps not a commercial nation on earth—is without them. In our case one distinction alone will suffice, that is to say, between nations who favor our productions and navigation, and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these, as to some articles, and prohibitions as to others, for the last.

Still it must be repeated that friendly arrangements are preferable with all who will come into them; and that we should carry into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit.

France has, of her own accord, proposed negotiations for improving, by a new treaty, on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present Government, to that of Great Britain, as the Message states; but, being already on as good a footing in law, and a better in fact than the most favored nations, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly arrangements would be declined by the other nations with whom we have such commercial intercourse as may render them important. In the meanwhile, it would rest with the wisdom of Congress to determine whether, as to those nations, they will not surcease *ex parte* regulations, on the reasonable presumption that they will concur in doing whatever justice and moderation dictate should be done.

TIL. JEFFERSON.

DECREES RELATING TO COMMERCE.

The SECRETARY OF STATE, to whom the President of the United States referred the resolution of the House of Representatives of December 24, 1793, desiring the substance of all such laws, decrees, or ordinances, respecting commerce in any of the countries with which the United States have commercial intercourse, as have been received by the Secretary of State, and not already stated to the House in his report of the 16th instant, reports:

That he has had an official communication of a Decree rendered by the National Assembly of France on the 26th day of March last, of which the following is a translation:

DEGREE,

Exempting from all duties the substances and other objects of supply in the Colonies, relatively to the United States, pronounced in the sitting of the 26th of March, 1793, 2d year of the French Republic.

The National Convention, willing to prevent, by precise dispositions, the difficulties that might arise relatively to the execution of its decree of the 19th February last, concerning the United States of America—to grant favors to this ally-nation, and to treat it, in its commercial relations with the Colonies of France, in the same manner as the vessels of the Republic decree as follows:

ART. 1. From the day of the publication of the present decree in the French American Colonies, the vessels of the United States, of the burden of sixty tons at the least, laden only with meals and subsistences, as well as the objects of supply announced in article 2, of the *arrêt* of 30th August, 1784, as also lard, butter, salted salmon, and candles, shall be admitted in the ports of said Colonies exempt from all duties. The same exemption shall extend to the French vessels laden with the same articles, and coming from a foreign port.

ART. 2. The captains of vessels of the United States, who, having brought into the French American Colonies the objects comprised in the above article, wish to return to the territory of the said States, may lade in the said Colonies, independent of sirups, rum, taffias, and French merchandises, a quantity of coffee equivalent to the one-fiftieth of the tonnage of every vessel, as also a quantity of sugar equal to the one-tenth, on conforming to the following articles:

ART. 3. Every captain of an American vessel, who wishes to make returns to the United States of coffee and sugar of the French Colonies, shall make it appear that his vessel entered therein with at least two-thirds of her cargo, according to article 1. For this purpose, he shall be obliged to transmit, within twenty-four hours after his arrival, to the custom-house of the place he may land at, a certificate of the marine agents, establishing the guage of his vessel and the effective tonnage of her cargo. The heads of the said custom-houses shall assure themselves that the exportation of the sugars and coffee does not exceed the proportion fixed by the second article of the present decree.

ART. 4. The captains of vessels of the United States of America shall not pay, on going from the islands, as well as those of the Republic, but a duty of 5 livres per quintal of indigo, 10 livres per thousand weight of cotton, 5 livres per thousand weight of coffee, 5 livres per thousand weight of brown and clayed sugars, and 50 sols per thousand weight of raw sugar. Every other merchan-

Decrees Relating to Commerce.

dise shall be exempt from duty on going out of the Colonies.

ART. 5. The sugars and coffee which shall be laden shall pay at the custom-houses which are established in the colonies, or that shall be established, in addition to the duties above fixed, those imposed by the law of 19th March, 1791, on the sugars and coffee imported from the said Colonies to France, and conformably to the same law.

ART. 6. The captains of vessels of the United States, who wish to lade merchandises of the said Colonies, for the ports of France, shall furnish the custom-house at the place of departure with the bonds required of the masters of French vessels, by the second article of the law of 10th July, 1791, to secure the unloading of these merchandises in the ports of the Republic.

ART. 7. The vessels of the nations with whom the French Republic is not at war may carry to the French American Colonies all the objects designated by the present decree. They may also bring, into the ports of the Republic only, all the productions of the said Colonies, on the conditions announced in the said decree, as well as that of 10th of February.

Copy conformable to the original.

GENET.

That he has not received officially any copy of the decree said to have been rendered by the same Assembly on the 27th day of July last, subjecting the vessels of the United States laden with provisions to be carried, against their will, into the ports of France, and those having enemy goods on board to have such goods taken out as legal prize.

That an ordinance has been passed by the Government of Spain, on the 9th day of June last, the substance of which has been officially communicated to him in the following words, to wit :

Extract of an Ordinance for regulating provisionally the commerce of Louisiana and the Floridas, dated the 9th of June, 1793.

The preamble states that the inhabitants of Louisiana, being deprived of their commerce with France, (on account of the war,) as allowed by the ordinance of January, 1782, &c., His Majesty considering that they and the inhabitants of the Floridas cannot subsist without the means of disposing of their productions and of acquiring those necessary for their own consumption ; for that purpose, and to increase the national commerce—the commerce of those provinces and their agriculture—has directed the following articles to be provisionally observed :

The inhabitants of the above-mentioned provinces to be allowed to commerce freely both in Europe and America with all friendly nations who have treaties of commerce with Spain ; New Orleans, Pensacola, and St. Augustine, to be ports for that purpose. No exception as to the articles to be sent or to be received. Every vessel, however, to be subjected to touch at Corubion, in Galicia, or Alicant, and to take a permit there, without which, the entry not to be allowed in the ports above mentioned.

The articles of this commerce, carried on thus directly between those provinces and foreign nations to pay a duty of fifteen per cent. importation and six per cent. exportation, except negroes, who may be imported free of duty. The productions and silver exported to purchase those negroes to pay the six per cent. exportation duty. The exportation of silver to be allowed for this purpose only.

The commerce between Spain and those provinces to remain free. Spaniards to be allowed to observe the same rules and to fit out from the same ports (in vessels wholly belonging to them, without connexion with foreigners) for those provinces as for the other Spanish Colonies.

To remove all obstacles to this commerce, all sorts of merchandise destined for Louisiana and the Floridas (even those whose admission is prohibited for other places) may be entered in the ports of Spain, and, in like manner, tobacco and all other prohibited articles may be imported into Spain from these provinces, to be re-exported to foreign countries.

To improve this commerce and encourage the agriculture of those provinces, the importation of foreign rice into the ports of Spain is prohibited, and a like preference shall be given to the other productions of these provinces, when they shall suffice for the consumption of Spain.

All articles exported from Spain to these provinces shall be free of duty on exportation, and such as being foreign, shall have paid duty on importation into Spain, shall have it restored to exporters.

These foreign articles, thus exported, to pay a duty of three per cent. on entry in those provinces. Those which are not foreign to be free of duty.

The articles exported from those provinces to Spain to be free of duty, whether consumed in Spain or re-exported to foreign countries.

Those Spanish vessels which, having gone from Spain to those provinces, should desire to bring back productions from thence directly to the foreign ports of Europe, may do it on paying a duty of exportation of three per cent.

All vessels, both Spanish and foreign, sailing to those provinces, to be prohibited from touching at any other port in His Majesty's American Dominions.

No vessel to be fitted out from New Orleans, Pensacola, or St. Augustine, for any of the Spanish islands or other Dominions in America, except for some urgent cause, in which case only the respective Governors to give a permission, but without allowing any other articles to be embarked than the productions of those provinces.

All foreign vessels purchased by His Majesty's subjects, and destined for this commerce, to be exempted from those duties to which they are at present subjected, they proving that they are absolute and sole proprietors thereof.

He takes this occasion to note an act of the British Parliament, of the 28 George III., chap. 6, which, though passed before the epoch to which his report aforesaid related, had escaped his researches. The effect of it was to convert the pro-

Spoliations on Commerce.

clamations regulating our direct intercourse with their West Indian islands into a standing law, and so far to remove the unfavorable distinction between us and foreign nations, stated in the report, leaving it, however, in full force as to our circuitous intercourse with the same islands, and as to our general intercourse, direct and circuitous, with Great Britain and all her other Dominions.

TH. JEFFERSON.

DECEMBER 30, 1793.

SPOLIATIONS ON COMMERCE.

*Gentlemen of the Senate, and
of the House of Representatives:*

The Secretary of State having reported to me upon the several complaints which have been lodged in this office against the vexations and spoliations on our commerce since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

GEORGE WASHINGTON.

UNITED STATES, March 5, 1794.

PHILADELPHIA, March 2, 1794.

SIR: In your Message to both Houses of Congress, on the 5th of December, 1793, you inform them, that "The vexations and spoliations understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent Powers, appeared to require attention: That the proofs of these, however, not having been brought forward, the description of citizens, supposed to have suffered, were notified, that on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future," and that "should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case."

On my succession to the Department of State, I found a large volume of complaints—which the notification had collected—against severities on our trade, various in their kind and degree. Having reason to presume, as the fact has proved, that every day would increase the catalogue, I have waited to digest the mass, until time should have been allowed for exhibiting the diversified forms in which our commerce has hourly suffered. Every information is at length obtained which may be expected.

The sensations excited by the embarrassments, danger, and even ruin, which threaten our trade, cannot be better expressed than in the words of the committee of Philadelphia. After enumerating particular instances of injury, their representation to Government proceeds thus: "On these cases, which are accompanied by the legal proofs, the committee think it unnecessary to enlarge, as the inferences will, of course, occur to the Secretary; but they beg leave to be permitted

to state other circumstances, which, though not in legal proof, are, either of such public notoriety, as to render legal proof unnecessary, or so vouched to the committee as to leave them in no doubt of the truth of them.

"It has become a practice for many of the privateers of the belligerent Powers to send into port all American vessels they meet with, bound from any of the French ports in the West Indies to the United States, and it is positively asserted, that the owners, or some of them, have given general instructions to their captains to that effect. And though many of those vessels have been afterwards liberated, yet the loss by plunder, detention, and expense, is so great as to render it ruinous to the American owner. In many cases, where the cargoes have been valuable, the owners of the privateers, after acquittal, have lodged appeals which they never intended to prosecute, but merely with a view of getting the property into their hands upon a valuation made so unfairly as to insure them a considerable profit, even if they should be finally made liable.

"Fourteen days only are allowed to an American owner to make his claim, which renders it impossible for him, except he is on the spot, and every difficulty which a combination of interested persons can devise, is thrown in the way to prevent his getting security, and in few instances can it be done, but by making over his vessels and cargo to the securities, and thereby subjecting himself to the heavy additional charge of commission, insurance, &c. It may be added, that the most barefaced bribery is sometimes practised to prevail on unwary boys, or those who know little of the obligation of an oath, to induce them to give testimony in favor of the captors.

"Besides the cases here enumerated, the committee have information of a number of vessels belonging to this port being captured and carried into different ports; but as the legal proofs are not come forward, they forbear to mention them.

"It is proper, however, for them, to add, that besides the loss of property occasioned by those unjust captures and detentions, the masters and crews of the vessels are frequently subjected to insults and outrages that must be shocking to Americans. Of this, the case of Captain Walcott is an instance. There are others within the knowledge of the committee, of which they only wait the legal proof, to lay them before the Secretary.

"To this last list of grievances, the committee are sorry to find it their duty to add, that by reason of the vexation, loss, and outrages, suffered by the merchants of the United States, its commerce already begins to languish, and its products are likely to be left upon the hands of those who raise them. Prudent men doubt the propriety of hazarding their property, when they find that the strictest conformity with the Laws of Nations, or of their own country, will not protect them from the rapacity of men who are neither restrained by the principles of honor, nor by laws sufficiently coercive to give security to those who are not subjects of the same Government.

Spoliations on Commerce.

"The committee conclude this representation with an assurance, that they have in no degree exaggerated in the statement they have made, and that they will continue to communicate all such information as they may further receive; of which nature, before the closing of this report, they are sorry to add, is that of the irruptions of the Algerines from the Mediterranean, in consequence of a truce concluded with that Regency, it is said, by the British Minister, on behalf of Portugal and Holland. This alarming event, to which some American ships, we hear, have already become victims, is of so distressing a nature, as must soon deprive us of some of the most lucrative branches of our commerce, if not speedily checked or prevented. The immediate rise it has produced in insurance, and the fears it may instil into our seamen and commanders, are of a nature highly deserving the serious consideration of Government, on whose protection and zeal for the interests, commercial and agricultural, of the country, the committee implicitly rely."

In a supplementary letter, the committee of Philadelphia make this conclusion: "That the cases which they recite, and others less formally announced, serve to show, that there are frequent instances of suppression of papers, registers, &c., very prejudicial to our shipping on their trials, and of injuries by the destruction of letters to the general correspondence of the country with foreign nations."

When we examine the documents which have been transmitted from different parts of the Union, we find the British, the French, the Spaniards, and the Dutch, charged with attacks upon our commerce.

It is urged against the British,

1. That their privateers plunder the American vessels, throw them out of their course, by forcing them, upon groundless suspicion, into ports other than those to which they were destined; detain them, even after the hope of a regular confiscation is abandoned; by their negligence, while they hold the possession, expose the cargoes to damage and the vessels to destruction, and maltreat their crews.

2. That British ships-of-war have forcibly seized mariners belonging to American vessels and in one instance, under the protection of a Portuguese fort.

3. That by British regulations and practice our corn and provisions are driven from the ports of France, and restricted to the ports of the British, or those of their friends.

4. That our vessels are not permitted to go from the British ports in the Islands, without giving security (which is not attainable but with difficulty and expense) for the discharge of the cargo, in some other British or neutral port.

5. That without the imputation of a contraband trade as defined by the Law of Nations, our vessels are captured for carrying on a commercial intercourse with the French West Indies, although it is tolerated by the laws of the French Republic, and that for this extraordinary conduct, no other excuse is alleged than that by some

edict of a King of France, this intercourse was prohibited; and

6. That the conduct of the Admiralty in the British Islands is impeachable for an excess of rigor, and a departure from strict Judicial purity; and the expenses of an appeal to England too heavy to be encountered under all the circumstances of discouragement.

Against the French it is urged,

1. That their privateers harass our trade no less than those of the British.

2. That two of their ships-of-war have committed enormities on our vessels.

3. That their Courts of Admiralty are guilty of equal oppression.

4. That besides these points of accusation, which are common to the French and British, the former have infringed the treaty between the United States and them, by subjecting to seizure and condemnation our vessels trading with their enemies in merchandise, which that treaty declares not to be contraband, and under circumstances not forbidden by the Law of Nations.

5. That a very detrimental embargo has been laid upon large numbers of American vessels in the French ports;* and

6. That a contract with the French Government for coin has been discharged in depreciated assignats.

Against the Spaniards the outrages of privateers are urged;

And against the Dutch, one condemnation in the Admiralty is insisted to be unwarrantable.

Under this complication of mischief, which persecutes our commerce, I beg leave, sir, to submit to your consideration, whether representations as far as facts may justify, ought not to be immediately pressed upon the foreign Governments, in those of the preceding cases, for which they are responsible.

Among these, I class, 1. The violences perpetrated by public ships-of-war. 2. Prohibitions, or regulations inconsistent with the Laws of Nations. 3. The improper conduct of Courts. 4. Infractions of Treaty. 5. The imposition of embargoes; and, 6. The breach of public contracts. How far a Government is liable to redress the rapine of privateers, depends upon the peculiarities of the case. It is incumbent upon it, however, to keep its Courts freely open, and to secure an impartial hearing to the injured applicant. If the rules prescribed to privateers be too loose, and opportunities of plunder or ill treatment be provoked from that cause, or from the prospect of impunity, it is impossible to be too strenuous in remonstrating against this formidable evil.

Thus, sir, have I reduced to general heads the particular complaints, without making any inquiry into the facts beyond the allegations of the parties interested.

I will only add, that your Message seems to promise to Congress some statement upon these subjects.

* There is reason to believe that the embargo was removed in December last, and the detention compensated by an order of the Committee of Public Safety in France.

Increase of Duties.

I have the honor, sir, to be, with the highest respect, your most obedient servant,

EDMUND RANDOLPH.

THE PRESIDENT OF THE UNITED STATES.

INCREASE OF DUTIES.

[Communicated to the House of Representatives, April 17, 1794.]

Mr. WILLIAM SMITH, from the committee appointed to inquire whether any or what further revenues are necessary for the support of the public credit, and if further revenues are necessary, to report the ways and means, made the following Report :

That, on referring to the estimate laid before the Legislature by the Secretary of the Treasury, they find that the revenues to the end of the year 1794, are estimated to produce - - \$6,618,584 19

And that, for the support of Government, Military Establishment, and other services designated by law, previous to, and during the present session, there would be wanting the sum of - - - \$7,044,217 98

And that further sums will probably be requisite for which provision ought to be made, viz : for the addition to the Military Establishment, provisional force, and expenses of militia - - - \$650,000 00

That the estimated product of the impost being made at a time when our commerce was unembarrassed, and no interruption of it contemplated, the committee are of opinion that a deduction should be made on that account, of \$1,300,000; from which it results, that there is a deficiency of funds to answer the demands of the present year, of \$2,375 79; but, as the sum of one million provided for foreign intercourse, is directed to be borrowed, if wanting, the committee have deducted that sum, except \$100,000 for the interest arising thereon, which leaves the sum to be provided - - - \$1,435,633 79

To raise which sum, the committee propose that there be raised, by additional impost and tonnage - - - \$392,500

On carriages, wagons, carts, and drays excepted - - -	150,000
On stamps - - -	100,000
On sales at auction - - -	100,000
On manufactured tobacco and snuff - - -	100,000
On loaf and lump sugars - - -	50,000

On licenses for retailing wines and distilled spirits - - -	100,000
---	---------

\$992,500

By direct taxes on lands - - -	750,000
--------------------------------	---------

\$1,742,500

Which sums exceed the current demands, \$306,866 21; but as the estimates on most of the articles are conjectural, and without sufficient data for obtaining a correct opinion as to the probable amount, the committee have thought it more expedient to provide for a surplus than suffer the revenue to prove deficient; and, in conformity with the foregoing estimates, they submit the following resolutions :

Resolved, That, from and after the — day of — next, there be levied, collected, and paid, upon the following articles, imported into the United States in ships or vessels of the United States, with an addition of one-tenth per cent. on like articles imported in any other ships or vessels, the several duties hereinafter mentioned, over and above duties now paid, to be levied, collected, and paid in the same manner, by the same officers, subject to the same penalties, and entitled to draw-backs, as the same articles are now subject and entitled to, viz :

On boots, per pair, twenty-five cents.

On shoes and slippers, for men and women, and on clogs, and golo shoes, per pair, five cents.

On shoes and slippers for children, per pair, three cents.

On millinery, ready made, artificial flowers, feathers, and other ornaments for women's head-dresses, and on dolls, dressed and undressed, 5 per cent. ad valorem.

On cast, slit, and rolled iron, and generally on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, anvils, and vices, excepted,) 5 per cent. ad valorem.

On carpets and carpeting, 5 per cent. ad valorem.

On leather, tanned or tawed, and generally all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated, 5 per cent. ad valorem.

On medicinal drugs, except those commonly used in dyeing; on mats and floor cloths; on hats, caps, and bonnets, of every sort, for women; on gloves, mittens, stockings, fans, buttons, of every kind, buckles, (shoe and knee,) 5 per cent. ad valorem.

On sheathing and cartridge paper; on all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions, commonly called sweet scents or odors, perfumes, or cosmetics; and on all dentifrices, powders, or preparations for the teeth or gums, 5 per cent. ad valorem.

On gold, silver, or plated wares, gold and silver lace, jewelry, and paste work, clocks and watches, and the parts of either, 5 per cent. ad valorem.

Increase of Duties.

On groceries, to wit: cinnamon, cloves, mace, nutmegs, ginger, aniseed, currants, dates, prunes, raisins, sugar-candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers, pickles of every sort, oil, and mustard in flour, 5 per cent, ad valorem.

On all marble, slate, or other stone, on bricks, tiles, tables, mortars, and other stone, and generally all stone and earthen ware, 5 per cent. ad valorem.

On cabinet wares, and all manufactures of wood, or of which wood is the material of chief value, 5 per cent. ad valorem.

On carriages, and parts of carriages, $4\frac{1}{2}$ per cent.

On all manufactures of cotton or linen, or of muslins of cotton and linen, or of which cotton or linen is the material of chief value, being printed, stained, or colored, $2\frac{1}{2}$ per cent.

On coffee, per pound, 1 cent.

On cocoa, per pound, 2 cents.

On cheese, per pound, 3 cents.

On salt, per bushel, 3 cents.

On the tonnage of ships or vessels of the United States employed in foreign trade, six cents per ton.

On all other ships or vessels, 25 cents per ton.

Resolved, That, after the — day of —, every person keeping a carriage, for the conveying of persons, for their own use, shall notify the same at some office which may be designated for the purpose, and shall pay, annually,

For a coach, 10 dollars.

For a chariot, 8 dollars.

For any other four-wheeled carriage, 6 dollars.

For a chaise, or other two wheeled carriage, 2 dollars.

With an addition of one-fourth, where two carriages shall be kept by one person; of one third, where three carriages shall be kept by one person; and of one half, where more than three carriages are kept by the same person.

Resolved, That after the — day of —, there be paid the following stamp duties:

Letters patent, 2 dollars.

Exemplification thereof, 1 dollar.

Licenses or certificates of admission of solicitors, attorneys, clerks, advocates, proctors, and other officers of Courts, 6 dollars.

Exemplification under the seals of Courts, 50 cents.

Affidavits and affirmations, except those before the officers of the public revenue, those relative to suits pending in Courts, to be used therein, and those relative to criminal proceedings, 10 cents.

Deeds, except those otherwise particularly rated, 25 cents.

Charter parties, 1 dollar.

Bottomry and respondentia bonds, 1 dollar.

Apprentices' indentures, 15 cents.

Certificates of debentures for drawbacks, 20 cents.

Bills of lading coastwise, except for vessels going from one district to another within the same State, 10 cents.

Do. foreign, 20 cents.

Inventories of the effects of deceased persons, or for any other purpose prescribed by law, except in cases of goods distrained, or in compliance of any agreement between two or more persons, 10 cents.

Bonds for the security of money, when the sum is above fifty, and not exceeding one hundred dollars, 20 cents.

Above one hundred, and not exceeding five hundred dollars, 25 cents.

Above five hundred, and not exceeding one thousand dollars, 30 cents.

Above one thousand dollars, 40 cents.

Receipts for legacies, or shares of personal estate, in cases of intestates, where the sum is above fifty, and not exceeding one hundred dollars, 25 cents.

More than one hundred, and not exceeding five hundred dollars, 50 cents.

For every further sum above five hundred dollars, 1 dollar.

[Not to extend to wives, children, or grand-children.]

Notarial acts, 25 cents.

Letters of attorney, 25 cents.

Policies of insurance, from one district to another in the United States, 20 cents.

To and from the United States to any foreign country, for any sum not exceeding five hundred dollars, 25 cents.

For every further sum more than five hundred dollars, 25 cents.

For every sum of two thousand dollars, or upwards, 1 dollar.

Probates of wills, and letters of administration, 50 cents.

Resolved, That, after the — day of —, there shall be paid on all sales at auction, except in cases of property sold upon execution, or by virtue of distresses for rent or tax, or in consequence of bankruptcies, and legal insolvencies, or where there have been general assignments for the benefit of creditors, or in cases where ships and goods have been stranded or wrecked, or in cases of sale by executors or administrators, or of produce sold upon the land where it is produced, at the rate of 1 per cent.

Resolved, That, after the — day of —, there shall be paid upon all tobacco manufactured in the United States, 4 cents per pound.

On all snuff, 8 cents per pound.

That every manufacturer of tobacco or snuff, shall, on or before the — day of —, make entry with the officer of inspection of the district in which he resides, of the house or building in which the manufactory is carried on, and shall enter into bond, with sufficient surety, to render a faithful account every three months, of the quantity of tobacco or snuff sold or sent out, within that period.

That, previous to taking in any tobacco for the purpose of being manufactured, he shall notify the same to the office of inspection, and shall keep a book in which shall be entered daily the quantity of tobacco or snuff sold or sent out in each day.

Resolved, That there be laid an additional duty of four cents per pound upon all tobacco, eight

Balances due to and from the several States—Public Debt.

cents per pound on all snuff, and two cents per pound on all refined sugar imported into the United States, after the — day of —.

Resolved, That, after the — day of —, there be paid on all sugars refined within the United States, 2 cents per pound.

Resolved, That after the — day of —, every person selling distilled spirits, or wines, for consumption out of their own dwellings, distilled spirits in less quantity than twenty gallons, wines in less quantity than thirty gallons, except in the original cask or package in which they were imported, shall take out licenses to authorize the sale of such distilled spirits and wines, and shall pay, annually, for a license to sell all foreign distilled spirits, 5 dollars.

For a license to sell all wines, 5 dollars.

Resolved, That the sum of seven hundred and fifty thousand dollars be raised by direct tax. for the year 1794, to be apportioned among the States, agreeably to the rule prescribed by the Constitution.

APPROPRIATIONS.

1. Appropriations for the support of Government - - -	\$521,447 24
2. Do. for War Department, including fortifications - - -	1,629,936 01
3. Interest on Public Debt - - -	2,849,194 73
4. Frigates - - -	700,000 00
5. Appropriations for foreign intercourse - - -	1,000,000 00
6. Arsenal, &c. - - -	313,640 00
7. Addition to the Military Establishment, &c. - - -	650,000 00
	<hr/>
	\$6,694,217 98

WAYS AND MEANS.

1. Surplus of revenue for 1793 - -	\$1,118,584 19
2. Probable product of impost for 1794 -	3,300,000 00
2. Do. excise - -	400,000 00
4. Probable surpluses of appropriations out of the revenues of 1793 -	500,000 00
	<hr/>
	5,318,584 19
	<hr/>
	\$2,375,633 79

BALANCES DUE TO AND FROM THE SEVERAL STATES.

[Communicated to Congress, December 4, 1793.]

OFFICE OF THE COMMISSIONERS OF ACCOUNTS,

PHILADELPHIA, June 29, 1793.

The Commissioners appointed to execute the several acts of Congress, to provide more effectually for the settlement of the accounts between the United States and the individual States, report:

That they have maturely considered the claims of the several States against the United States,

and the charges of the United States against the individual States.

That they have gone through the process prescribed in the 5th section of the act of Congress, passed the 5th day of August, 1790, (the particulars whereof will be found in Book A, lodged with the papers of this office in the Treasury Department,) and find that there is due, including interest, to the 31st day of December, 1789, to the State of -

New Hampshire - - -	\$75,055
Massachusetts - - -	1,248,801
Rhode Island - - -	299,611
Connecticut - - -	619,121
New Jersey - - -	49,630
South Carolina - - -	1,205,978
Georgia - - -	19,988

And that there is due, including interest, to the 31st day of December, 1789, from the State of—

New York - - -	\$2,074,846
Pennsylvania - - -	76,009
Delaware - - -	612,428
Maryland - - -	151,640
Virginia - - -	100,879
North Carolina - - -	501,082

Which several sums they, by virtue of the authority to them delegated, declare to be the final and conclusive balances due to and from the several States.

WM. IRVINE,
JOHN KEAN,
WOODBURY LANGDON.

I certify the above to be a true copy of the original.

B. W. DANBRIDGE,
Secretary to the President of the U. States.

PUBLIC DEBT.

[Communicated to the House of Representatives, December 15, 1794.]

Mr. WILLIAM SMITH, from the Committee appointed to prepare and report a plan for the redemption of the Public Debt, made the following report:

That, from the documents accompanying this report, marked A and B, it appears that the surplus of the existing revenues beyond the probable expenditures for the year 1795 and to the succeeding years, will enable the Legislature to commence, during the year 1795, and to continue thereafter, the payment of that portion of the Public Debt which the Government has by law reserved the right to redeem.

The committee, therefore, submit the following resolution:

Resolved, That there be appropriated, out of the revenues of the year 1795, a sum not exceeding six hundred thousand dollars, to be applied to the payment of two dollars on every hundred dollars of the amount of that part of the Public Debt which bears an actual interest of six per cent., the said payment to be made on the — day of — next.

The committee further report, that it would, in

Public Debt.

their opinion, be expedient to appropriate, until the year 1801, all the revenues arising from the duties and taxes on manufactured sugar and snuff, on licenses for retailing wines and spirituous liquors, on sales at auction, and on carriages, to the payment of so much of the Public Debt as the Government shall annually have a right to redeem, and for that purpose to prolong the duration of the said duties and taxes to the year 1801. They therefore recommend the following resolution :

Resolved, That the several clauses of limitation in the acts for laying duties and taxes on manufactured sugar and snuff, on licenses for retailing wines and spirituous liquors, on sales at auction, and on carriages, be repealed; that the said several acts be continued in force until the year 1801, and that the moneys arising therefrom be appropriated to the discharge of that portion of the Public Debt which is redeemable by law—subject, however, to a substitution of other duties or taxes of equal value, to all or any of the said duties and taxes.

The following resolutions, as connected with this subject, are also submitted by the committee :

Resolved, That the eighth section of the act of last session, laying additional duties on goods, wares, and merchandisc, be repealed; and that the duration of the said act be made commensurate with the act for laying such duties, passed 10th of August, 1790, entitled "An act making further provision for the Debt of the United States."

Resolved, That the surplus of revenue which may hereafter exist, after satisfying all legal appropriations, ought to be annually appropriated to the purchase of the Public Debt.

The prospect of an approaching peace with the Indian tribes having suggested to the committee the propriety of resorting to the Western lands, as an auxiliary resource for the discharge of the Public Debt, they recommend the following resolution :

Resolved, That provision be made for the sale of the public lands in the Western Territory.

Unsatisfied charges upon the Revenue at the close of 1793

To balance of unsatisfied appropriations at the end of the year 1793, exclusive of the balance of the Foreign Fund at that time	-	-	\$2,378,882	80
From which is deducted balance of the Interest Fund, then remaining unexpended, in purchases of the Domestic Debt	-	-	31,649	33
				<u>\$2,347,232 97</u>
To balance remaining unexpended of the proceeds of Foreign Loans, transferred to the United States	-	-	-	1,257,503 58
				<u>3,604,736 55</u>
Balance, being surplus of revenues beyond the appropriations stated at the Treasury, to the end of the year 1793	-	-	-	2,487,181 07
				<u>6,091,917 62</u>

Unexpended Funds at the close of 1793.

Balance in the Treasury on December 31, 1793	-	-	-	753,661 69
Amount to be accounted for on December 31, 1793 by the collectors	-	5,250,151	66	
To which is added amount of warrants, passed to their credit in the year 1793, which are not stated in the Treasurer's account, till the year 1794	-	45,886	94	
			<u>5,296,038 60</u>	
From which is deducted amount of warrants included in the Treasurer's accounts for the year 1793, and not passed to the credit of collectors, till the year 1794	-	-	170,032 48	
				<u>5,126,006 12</u>
Amount for which Supervisors were accountable on December 31, 1793	-	281,456	87	
To which is added amount of warrants credited to them in the year 1793, not stated in the Treasurer's accounts, till the year 1794	-	1,804	04	
			<u>283,260 41</u>	
From which is deducted amount of warrants included in the Treasurer's accounts for the year 1793, paid Supervisors whose accounts have not been adjusted	-	-	71,010 60	
				<u>212,249 81</u>
				<u>6,091,917 62</u>

A.

ESTIMATED CHARGES UPON THE REVENUE FOR THE YEAR 1794.

Appropriations for the service of the year 1794. viz. :		
By the act of March 14, 1794, for the support of Government	-	\$521,447 24
For expenses of intercourse with foreign nations, under the first section of this act, payable out of any unappropriated moneys. The whole sum appropriated is 1,000,000 dollars, of which the domestic revenue		

Public Debt.

will probably be adequate to the reimbursement of 200,000 borrowed in the United States under this act, and which sum is, therefore, stated as an appropriation	200,000 00	
For expenses of intercourse with foreign nations, in virtue of the act of July 1, 1790, further continued by this act	40,000 00	
March 21, for Military Establishment	1,629,936 01	
March 27, for the pay and emoluments of Major General Lafayette	24,424 00	
April 2, for erecting and repairing Arsenals	421,865 00	
April 3, for placing buoys off the harbor of New London	2,500 00	
May 19, for erecting a light-house on the island of Seguin	5,300 00	
June 5, for certain expenses of Commissioners of Loans	15,000 00	
June 9, for various purposes	1,292,137 38	
		\$1,152,609 63
August 4, 1790, interest on the Domestic and Assumed Debts for the year 1794, including an estimate for outstanding balances not entitled to a dividend	2,480,328 78	
Interest on Foreign Debt, for 1794, as estimated	683,733 50	
		3,164,062 28
Interest on temporary Domestic Loans for the year 1794, payable out of the revenue, viz.: on sums remaining due at different periods—of 400,000 dollars received on account of the Loan of 523,500 dollars, authorized by the act of May 2, 1792—		
On 400,000 dollars to June 30, 1794	\$20,000 00	
On 300,000 dollars from July 1 to December 31	7,500 00	
		27,500 00
On sums remaining due at different periods:		
Of 800,000 dollars received on the Loan of that amount, authorized by the act of February 28, 1793, on 800,000 dollars to December 31, 1793	18,333 33	
On 400,000 dollars from January 1 to January 31, 1794; on 200,000 dollars from February 1 to June 13, 1794, when the Loan was discharged	5,361 11	
		23,694 44
On sums due at different periods of the Loan of 1,000,000 dollars, authorized by the act of March 27, 1794:		
On 800,000 dollars to June 30, 1794	7,500 00	
On 1,000,000 dollars from July 1 to October 1	12,500 00	
On 600,000 dollars from October 1 to December 31	7,500 00	
		27,500 00
On the Loan of 2,000,000 dollars for stock of the Bank of the United States, which, by the act of June 4, 1794, is payable out of the dividends credited as revenue, and contra, computed to June 30, 1794, the time of the last dividend		247,972 00
On 1,000,000 dollars received on a Loan of that amount, authorized by the act of June 9, 1794, on 200,000 dollars from September 1 to September 30, 1794	\$833 33	
On 100,000 dollars from October 1 to December 31	12,500 00	
		13,333 33
Estimate to cover the interest which may accrue in the year 1794, in case the sum of 1,000,000 dollars should be borrowed for the expenses of intercourse with foreign nations, under the authority given by the act of March 20, 1794, for that purpose, which interest is charged upon the domestic revenue by the act of June 9, 1794, say	20,000 00	
		359,999 77
		7,676,672 68
Balance, being estimated surplus of revenue to the close of the year 1794, above the appropriations charged thereon		812,425 38
		<u>\$8,519,098 06</u>

ESTIMATED REVENUE OF THE YEAR 1794.

Balance stated on December 31, 1793, as surplus of revenue beyond the appropriations charged at the Treasury, to said period	\$2,487,181 07
--	----------------

Public Debt.

Proceeds of duties on imports and tonnage during the year 1794, exclusive of drawbacks paid, and payable, therefrom	-	-	-	-	5,250,000	00
Proceeds of duties on distilled spirits, on snuff, sugar, carriages, goods sold at auction, licenses, estimated at	-	-	-	-	450,000	00
Receipts to September 30, 1794, viz:						
On account of balances arising on accounts under the late Government					\$693	50
Postage	-	-	-	-	18,978	49
Cents and half cents	-	-	-	-	8,383	00
Patents	-	-	-	-	390	00
Dividends on Bank stock of the United States to June 30, 1794	-	-	-	-	303,472	00
					331,916	99
					<u>\$8,519,098</u>	<u>06</u>

B.

ESTIMATED CHARGES UPON THE REVENUE FOR THE YEAR 1795.

Appropriations for the service of the year 1795, made and to be made, viz:						
By the act of March 20, 1794, for expenses of intercourse with foreign nations, in virtue of the act of July 1, 1790, further continued by this act	-	-	-	-	\$40,000	00
For the Civil Lists, as stated by the Register of the Treasury	-	-	-	-	485,249	53
For miscellaneous purposes, ditto	-	-	-	-	82,004	18
For expenses of Commissioners of Loans, for clerk hire and stationery, in case the same shall be authorized by law	-	-	-	-	15,000	00
For interest on the Domestic and Assumed Debts, and on credits to several States	-	-	-	-	2,395,741	74
For interest on the Foreign Debt during the year 1795	-	-	-	-	702,861	00
For interest on temporary Domestic Loans during the year 1795, estimated at 2,000,000, at five per cent. per annum	-	-	-	-	100,000	00
For the Military Establishment during the year 1795, including six months' pay and subsistence of the Navy, and expenses of the militia expedition in 1794	-	-	-	-	2,940,655	74
					6,661,512	14
Balance, being estimated surplus of revenue to the close of the year 1795	-	-	-	-	510,918	24
					<u>\$7,172,425</u>	<u>88</u>

NOTE.--The surplusses of certain appropriations, after satisfying the objects for which they were made, may be considered as an additional fund. The amount cannot be ascertained at present, but may be safely calculated at two hundred thousand dollars.

ESTIMATED REVENUE OF THE YEAR 1795.

Estimated surplus of revenue at the close of the year 1794, above the appropriations charged thereon	-	-	-	-	\$842,425	88
Estimated product of the duties on imports and tonnage for the year 1795, on a supposition that the additional duties imposed during the last session of Congress will produce 500,000 dollars	-	-	-	-	5,500,000	00
Estimated product of inland duties for the year 1795, on distilled spirits, and on stills, which, considering the impediments attending the importation of molasses and coarse sugars, and the high price of grain at present, are calculated at	-	-	-	-	\$400,000	00
On carriages	-	-	-	-	150,000	00
On sales at auction	-	-	-	-	40,000	00
On refined sugars and snuff	-	-	-	-	90,000	00
On licenses for retailing foreign spirits and wines	-	-	-	-	100,000	00
					780,000	00
Estimated surplus of the Bank dividend, on stock held by the United States, above the sum which will be due for interest on the Loan for said stock	-	-	-	-	50,000	00
					<u>\$7,172,425</u>	<u>88</u>

Public Credit.

PUBLIC CREDIT.

{—

TREASURY DEPARTMENT, January 16, 1795

SIR: I beg leave, through you, to inform the Senate, that, pursuant to the 2d section of the act establishing the Treasury Department, which expressly makes it the duty of the Secretary of the Treasury "to digest and prepare plans for the improvement and management of the revenue and for the support of Public Credit," I have digested and prepared a plan, on the basis of the actual revenues, for the further support of Public Credit, which is ready for communication to the Senate.

This plan embraces a further provision for the Subscribed Debt; a provision for converting, with the consent of the creditors, the Foreign into the Domestic Debt; a provision for augmenting the Sinking Fund, so as to render it commensurate with the entire Debt of the United States; suggestions for giving effect to the act of the last session, granting a million of dollars for the purposes of foreign intercourse; with some auxiliary propositions.

With perfect respect, I have the honor to be, sir, your obedient servant,

ALEXANDER HAMILTON,

Secretary of the Treasury.

To the VICE PRESIDENT of the United States
and President of the Senate.

TREASURY DEPARTMENT, January 20, 1795.

SIR: Agreeably to the order of the Senate, I have the honor to transmit the plan for the support of Public Credit, announced in my Letter of the 16th instant, together with sundry statements connected with it; and to be your most obedient servant,

A. HAMILTON.

To the VICE PRESIDENT of the United States
and President of the Senate.

The Secretary of the Treasury respectfully makes the following Report to the Senate:

The President of the United States, with that provident concern for the public welfare which characterizes all his conduct, was pleased, in his Speech to the two Houses of Congress, at the opening of the present session, to invite their attention to the adoption of a definitive plan for the redemption of the Public Debt, and to the consummation of whatsoever may remain unfinished of our system of Public Credit, in order to place that Credit, as far as may be practicable, on grounds which cannot be disturbed, and to prevent that progressive accumulation of Debt, which must ultimately endanger all Government.

It was, at the same time, very justly intimated, that the period which has elapsed since the commencement of our fiscal measures, (now more than four years,) has so far developed our resources, as to open the way to the important work. And it is matter of solid consolation that the result, presenting a state of our finances, prosperous beyond expectation, solicits the public councils to enter, with zeal and decision, upon mea-

sures commensurate with the greatness of the interests to be promoted.

Under the influence of this conviction, in conformity with the suggestions of the President, and pursuant to the duty which the constitution of the Department, as by law established, enjoins upon the Secretary of the Treasury, he has employed himself in digesting and preparing the materials of a plan for the attainment of the invaluable ends which are recommended. And he now respectfully submits them to the consideration of Congress.

Towards a clear and distinct conception of the means necessary to the accomplishment of these ends, it will be useful, in the first place, to review what has been heretofore done. This will be presented under three heads;

I. The revenues which have been established;

II. The provisions for funding the Debt, and for the payment of interest upon it;

III. The provisions for reimbursing and extinguishing the Debt.

I. The revenues which have been established appear in the following acts:

1st. "An act for laying a duty on goods, wares, and merchandises, imported into the United States," passed June the 1st, 1789. This act, as its title imports, lays various specific and ad valorem rates on all articles (with exception of a few useful to agriculture and manufactures) imported from foreign countries. The lowest ad valorem rate is 5 per cent., with a discount of 10 per cent. in favor of our own bottoms. The duration assigned these duties was the end of the session of Congress next succeeding the 1st day of June, 1796.

2d. "An act imposing duties on tonnage," passed July 20, 1789.

This act lays various rates of duty on the tonnage of ships and vessels entered in the United States from foreign countries, and, in certain cases, in one part of the United States to another.

Its duration was indefinite, no limit having been assigned.

3d. "An act imposing duties on the tonnage of ships and vessels," passed July 20, 1790.

This act is a substitute for the one last mentioned, preserving the same rates of duty, but applying them, in some instances differently. It is, like the former, of indefinite duration.

4th. "An act making further provision for the payment of the Debts of the United States," passed August 10, 1790.

This act repeals, after the last of December, 1790, the duties on imported articles, laid by the act above cited, and substitutes new and generally increased rates, specific and ad valorem.

The lowest ad valorem rate in this, as in the former act, is five per cent.; but the number of articles to which it applies is much narrowed; and, instead of a discount in favor of our own bottoms, an addition of 10 per cent. is made to the disadvantage of foreign bottoms.

The number of free articles is somewhat extended, in further encouragement of agriculture and manufactures.

It is declared that the duties laid by this act shall continue till the Debts and purposes for which they are appropriated shall be satisfied; reserving, however, a right to Congress to substitute other duties or taxes of equal value.

5th. "An act to incorporate the subscribers to the Bank of the United States," passed the 25th of February, 1791.

The second section of this act authorizes the President to cause a subscription to be made to the stock of the Bank, on account of the United States, to the amount of \$2,000,000; and, with a view to the accomplishment of that object, to borrow of the Bank \$2,000,000, to be reimbursed in ten equal yearly instalments.

The difference between the interest payable on the Loan and the dividend on the stock, constitutes an item of annual income to the United States. It is unappropriated.

6th. "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same," passed the 3d of March, 1791.

This act, in conformity with its title, repeals, after June, 1791, the duties on imported spirits, laid by the act of the 10th of August, 1790, and establishes, in lieu of them, higher rates, namely, from 20 to 40 cents per gallon, according to proof. It also lays duties, to commence at the same time, upon spirits distilled within the United States; namely, on those from foreign materials from 11 to 30 cents, according to proof; on those from domestic materials, if distilled in cities, towns, or villages, from 9 to 25 cents per gallon, according to proof; if distilled in other places, it imposes a yearly rate of 60 cents per gallon of the capacity of each still, with an option to the distiller to keep and render an account of the produce of his still, and to pay 9 cents per gallon of the quantity of spirits distilled therein.

These duties are appropriated, primarily, in the same manner and to the same purposes as those laid on imported articles by the act of the 10th of August, 1790, and are to continue for the same time, with the like reservation of a right to substitute other duties or taxes of equal value. There is a further appropriation, which will be noticed hereafter.

7th. "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," passed May 2, 1792.

This act repeals, after June, 1792, the former duties on a number of imported articles, and establishes higher duties in their stead.

It extends, among other things, the duties on foreign distilled spirits, laying on those made from grain 28 to 50 cents per gallon; on others 25 to 46 cents per gallon. The appropriation and duration of these new duties are conformable and co-extensive with those repealed. There is, likewise, an addition of 2½ per cent. to that class of duties *ad valorem*, which before was rated at 5 per cent., but this additional duty is limited to the term of two years.

Out of the surplus of these duties, after satisfying the permanent appropriations, certain gross sums are appropriated for the service of the War Department.

8th. "An act concerning the duties on spirits distilled within the United States," passed May 8, 1792.

This act repeals, after the last day of June, 1792, the former duties on spirits distilled within the United States and on stills, and, instead of them, establishes lower duties, namely, on those made of foreign materials, from 10 to 25 cents per gallon, according to proof; on those made of domestic materials, if in cities, towns, or villages, or at distilleries, where the stills, singly or together, are of the capacity of 400 gallons or upwards, from 7 to 18 cents per gallon of the spirits distilled, according to the proof; if made in other places, or at distilleries where the stills are of inferior capacity, the yearly rate of 54 cents per gallon of the capacity of each still. A new option is given to the distiller, which is, instead of paying the yearly rate, to take out licenses for the monthly employment of his stills, paying each time 10 cents per gallon of the capacity of each still.

These new duties are appropriated in the same manner, and for the same purposes, and are to continue for the same time, as those for which they are substitutes; and, to make good any deficiency which may accrue from lowering the rates, the surplus of the duties imposed by the act of the 2d of the same month is appropriated.

"An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose," passed February 21, 1793.

This act ordains certain fees to be paid by persons to whom patents are granted for inventions, discoveries, or improvements, and appropriates them to the purpose of defraying clerk-hire in the Department of State. Its duration is indefinite.

9th. "An act to establish the Post Office and Post Roads within the United States," passed May 8, 1794.

This act establishes, to commence on the 1st of June following, various rates of postage on letters, and directs that the Postmaster shall render to the Treasury Department a quarterly account of receipts and expenditures, and shall pay, quarterly, into the Treasury, the balance in his hands.

The duration of this act is also indefinite. It contains no appropriation of the sums paid into the Treasury.

10th. "An act laying duties upon carriages for the conveyance of persons," passed June 5, 1794.

This act lays different rates of duty, from \$10 down to \$1, upon carriages for the conveyance of persons, kept by or for any person, for his or her own use, or to be let to hire, or for the conveying of passengers; and, to guard against misapprehension, declares, that the duties shall not be construed to extend to any carriage usually and chiefly employed in husbandry, or for the transporting or carrying of goods, wares, merchandise, produce, or commodities.

Public Credit.

The duration of the duties is limited to the end of the session of Congress which shall be next after the term of two years from the time of passing the act. It contains no appropriation.

11th. "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail," passed June 5, 1794.

This act requires that every retail dealer in wines shall take out a yearly license, and shall pay for it a duty of \$5; and that every retail dealer in foreign distilled spirituous liquors shall also take out a yearly license, and pay for it a duty of \$5. It defines a retail dealer in wines to be a person who deals in the selling of wines, to be carried or sent out of the house, building, or place of his or her dwelling, in less quantities at one time than thirty gallons, except in the original cask, case, box, or package, in which it is imported. A retail dealer of spirituous liquors to be a person who shall deal in the selling of foreign distilled spirituous liquors, to be carried or sent out of the house, building, or place of his or her dwelling, in less quantities than twenty gallons at one time. No difference is made between the dealer in several kinds of wines, or several kinds of foreign distilled liquors, and the dealer in one kind.

The same duration is assigned to this act as to the one last cited. It is equally without an appropriation.

12th. "An act laying certain duties upon snuff and refined sugar," passed June 5, 1794.

This act lays a duty of 8 cents per pound on all snuff, which, after the 30th of September, 1794, should be manufactured within the United States, and of 2 cents per pound on all sugar which, after that day, should be refined within the United States. The remark made upon the two last recited acts is applicable to this, as to the duration of the duties, and the appropriation of their proceeds.

13th. "An act laying additional duties on goods, wares, and merchandises, imported into the United States," passed June 7, 1794.

This act lays upon sundry enumerated articles, on their importation from foreign countries, certain specific and ad valorem rates of duty, in addition to those before charged upon them, and adds generally a duty of two and a half per centum on all that class of articles which were before chargeable with seven and a half per centum ad valorem. It also prolongs the temporary two and a half per centum, laid by the act of May 2, 1792, till the 1st of January, 1797, to which period the other duties laid by it are to continue. It contains no appropriation.

14. "An act laying duties on property sold at auction," passed June 9, 1794.

This act lays a duty on sales at auction, by persons licensed according to the laws of a State or this act, prohibiting others from selling at auction, of one quarter per cent. of the purchase money arising from the sale of any right, interest, or estate, in lands, tenements, or hereditaments, utensils in husbandry, farming stock, or ships and vessels, of one half per cent. of the purchase money

arising from the sales of any other goods, chattels, rights, or credits.

The term of these duties is limited to the end of the session next after the expiration of two years from the time of passing the act, which also is without an appropriation.

But by an act, entitled "An act making appropriations for certain purposes therein expressed," passed the same 9th of June, 1794, certain specific sums, amounting together to \$1,292,137 38, are charged upon the proceeds of the revenues which are created by the five last mentioned acts, and there is a reservation made out of them of a sum sufficient to pay the interest of whatever moneys may be borrowed pursuant to the act, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations," &c., passed the 20th of March, 1794, which sum is pledged for the payment of that interest.

These acts comprehend all the current revenues of the United States. Their product will appear hereafter.

In addition to them a fund will be derived from the sale of the public lands in the Western Territory. And there likewise occur, from time to time, payments into the Treasury on account of old debts; but these are too casual and of too little magnitude to be more than cursorily mentioned.

The lands in the Western Territory, of which the Government of the United States has acquired the right of soil, are estimated, in a report of the late Secretary of State, to amount to 21,000,000 of acres. This quantity, at 20 cents per acre, the price upon former occasions contemplated, would yield a sum of \$4,200,000. But it is believed that it would be unsafe to count upon so large a sum. Besides, the uncertainty as to the proportion which may be of a saleable quality, and as to the price which may be obtained for it, the boundary line between the United States and the Indians is understood to be unsettled with regard to a large part of the tract on which the computation is made. If it ultimately yields \$3,000,000, it will probably equal every reasonable expectation.

II. The provisions for funding the Debt, and for payment of interest upon it, are comprised in the following acts:

1st. "An act making provision for the Debt of the United States," passed August 4, 1790.

This act, commonly called the Funding Act, contains these several provisions, viz:

1. It reserves out of the proceeds of the duties on imports and tonnage, for the support of the Government of the United States, and their common defence, the yearly sum of \$600,000.

2. It appropriates so much of the same proceeds as should be necessary to the payment of interest on Foreign Loans, before that time contracted, or which should afterwards be contracted, for discharging the arrears of interest, and the principal of antecedent Foreign Loans, to continue so appropriated till the Debt created by those Loans should be fully discharged.

3. It authorizes the President to borrow any

Public Credit.

sum or sums, not exceeding \$12,000,000, to discharge the arrears of interest upon and the instalments of the principal of the Foreign Debt, due and to grow due; and if to be effected on advantageous terms, to pay off the whole of that Debt; and further authorizes him to make such other contracts respecting it as should be found for the interest of the United States, so that no engagement or contract should preclude from reimbursing the sum borrowed within fifteen years after they should be borrowed.

4. In order to adapt the form of the Domestic Debt to the then circumstances of the United States, as far as should be found practicable, "consistently with good faith and the rights of creditors," which it truly declares, "could only be done by a voluntary Loan on their part," it proposes a Loan to the United States, (directing, for that purpose, books for subscriptions to be opened at the Treasury, and by Commissioners of Loans in the several States, on the 1st of October, 1790, and to continue for a year,) the sums subscribed to the Loan to be paid in certain enumerated evidences of the Debt of the United States, upon these terms, viz:

First. That the interest unpaid on the principal of these evidences should be computed up to the last of December, 1790.

Second. That, for any sum subscribed and paid in the principal of the Debt, the subscriber should be entitled to one certificate for a sum equal to two-thirds of the sum subscribed, bearing an interest of 6 per cent. per annum, commencing the 1st day of January, 1791, payable quarter-yearly, and subject to redemption by payments not exceeding, in one year, on account of both principal and interest, \$8 upon a hundred of the original sum so subscribed and paid; and to another certificate for a sum equal to the remaining third of that sum, which, after the year 1800, should bear a like interest, payable in like manner, and subject to a like rate of redemption; but that the United States, though having a right to redeem in the above mentioned proportion, should not be obliged to do it.

Third. That for any sum subscribed and paid in the interest of the Debt, the subscriber should be entitled to a certificate for a sum equal to the sum subscribed, bearing an interest of 3 per cent. per annum, from the said last day of December, 1790, payable quarter-yearly, and redeemable at pleasure, by payment of the principal.

Fourth. That the new stock created by the said Loan should be transferable on the books upon which the credit for it should stand by the proprietor or his attorney; these books to be either those kept for the purpose at the Treasury, or by the Commissioners of Loans in the respective States; a mode being provided for the transfer from the books at one place to those at another.

Fifth. That the interest should be payable wheresoever the credit for the stock should exist, when the payment of the interest should become due; except that the dividend of interest for any quarter of a year which should not be demanded before the expiration of a third quarter, should

afterwards be demandable only at the Treasury.

Sixth. That, for the regular payment of the interest on the several kinds of stock to arise from the Loan, as it should accrue, including that which is deferred, the proceeds of the public revenues, which, before that time, had been, or, during the then session, should be provided, after reserving, yearly, \$600,000, for the support of the Government of the United States, and their common defence, and such sum as should be necessary for payment of interest on the Foreign Loans before mentioned should be, and thereby were, pledged and appropriated till the final redemption of the capital stock.

5. Premising that some of the creditors of the United States might not think fit to become subscribers to the Loan, this act declares that "nothing contained in it should be construed in any wise to alter, abridge, or impair the rights of those creditors of the United States who should not subscribe to the Loan or the contracts upon which their respective claims are founded, but that the said contracts and rights should remain in full force and virtue." And to obviate all idea of compulsion on the creditors to subscribe, it allows to non-subscribers, during the pendency of the Loan, and until the end of the year 1791, a rate per centum, on their respective demands, equal to that which is paid to subscribing creditors; on the sole condition, that the evidences of Debt holden by them, except those which had been issued by the Register of the Treasury, for the registered Debt, should be exchanged for other certificates, specifying the specie amount of those in exchange, for which they were given, and otherwise of the like tenor with those which had therefore been issued by the Register of the Treasury, for the registered Debt; stating, as the grounds of this condition, that some of the certificates then in circulation, had not been liquidated to specie value; that most of them were greatly subject to counterfeit; that counterfeits had actually taken place in numerous instances; and that embarrassment and imposition might attend the payment of interest on these certificates in their then form.

6. This act likewise proposes another Loan, to the amount of \$21,500,000, payable in the principal and interest, indiscriminately, of the evidences of Debt of the respective States, according to certain quotas, to be conducted in the same manner, and to be open for the same time, as that in the Domestic Debt of the United States. The terms of this Loan to be:

First.—That, for any sum subscribed, the subscriber should be entitled to one certificate, for a sum equal to four-ninths of the subscribed sum, bearing an interest of six per centum per annum, commencing the 1st day of January, 1791. To another certificate, for a sum equal to two-ninths of the said subscribed sum, bearing an interest, after the year 1800, of six per centum per annum; and, to a third certificate, for a sum equal to three-ninths of the said subscribed sum, bearing an interest of three per centum per annum, commencing on the same first day of January, 1791: the inte-

Public Credit.

rest, in each case, to be payable in like manner, and to be subject to the like redemption as that on the correspondent kinds of stock to be created by this, the said first-mentioned Loan. And the stock to be created by this second Loan, to be transferable on the same principles, and in the same modes, as that produced by the former.

Second.—That, for the regular payment of interest on the several kinds of stock to arise from this Loan, as it should accrue, including that which is deferred, the proceeds of the public revenues, which, before that time, had been, or during the then session should be, provided, after reserving the aforesaid yearly sum of \$600,000 the sum necessary for payment of interest on the Foreign Loans made, and to be made, and the sum necessary for payment of interest on the Loan in the Domestic Debt, should be, and thereby were, pledged and appropriated; to continue so pledged and appropriated until the final redemption of the capital stock.

7. To secure the due application of these revenues, according to the appropriations, an account of them is directed to be kept, distinct from that of the proceeds of any other revenues, except such as should be raised to make good a deficiency in those; and the faith of the United States is pledged to appropriate additional and permanent funds, for satisfying such deficiency.

8. The proceeds of the sales of lands in the Western Territory, then belonging, or which thereafter should belong, to the United States, are pledged and appropriated for the discharge of the Debts which the United States then owed, or by virtue of that act should owe.

There are several collateral and supplementary provisions, which are omitted, as immaterial to the intended view of the subject.

2d. "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits, &c.," passed the 3d of March, 1791.

The proceeds of the duties, laid by this act, are made subject to the same appropriations, and in the same order of priority, as those contained in the Funding Act; and, to secure their due application, an account is directed to be kept of them, distinct from that of any other revenues, except those appropriated by the Funding Act.

3d. "An act for raising a further sum of money for the protection of the frontiers, &c.," passed May 2, 1792.

This act, which, as has been before noticed, increased permanently the duties on certain imported articles, and laid a temporary additional duty on some others, appropriates, primarily, the proceeds of the permanent augmentations, in the same manner, and to the same purposes, as the antecedent duties were appropriated; that is, in conformity with the Funding Act.

4th. "An act concerning the duties on spirits distilled within the United States," passed May 8, 1792.

This act, which lowers the duties on spirits distilled within the United States, and on stills, appropriates the proceeds of the reduced duties in the same manner as were the former duties; and,

to make good whatever deficiency might be occasioned by the reduction of the rates, pledges, as a substitute, the surplus of the augmented duties laid by the last cited act.

5th. "An act providing for the payment of the second instalment due on a Loan made of the Bank of the United States," passed June 4, 1794.

This act, in addition to a provision for paying that second instalment, appropriates so much of the dividends on the stock which the United States hold in the Bank, as should be necessary to the payment of interest on the capital of a Loan of \$2,000,000, had of the Bank, pursuant to the 11th section of the act by which it is incorporated. It also fixes the last day of December, in each year, as the annual period for the payment of the successive instalments of that Loan.

6th. "An act making provision for the payment of the interest on the balances due to certain States, upon a final settlement of accounts between the United States and the individual States," passed May 30, 1794.

This act directs that interest shall be allowed and computed on the balances to creditor States, from the last of December, 1789, to the last of December, 1794; which, being placed to their credit respectively, shall bear an interest of three per centum per annum, from the period last mentioned.

It further directs that the interests on the principal balances, to be funded agreeably to the terms of the act for the settlement of accounts, together with the interest upon the arrears of interest, computed on those balances, and forming a new capital, shall be payable at the offices of the Commissioners of Loans, within the States to which the balances are respectively due, and shall be paid quarter yearly after the last day of December, 1794, at the same epochs in each year, at which interest is payable, on the other parts of the Funded Debt: to which end, so much of the proceeds of the duties on imports and tonnage, as may be necessary, and as were not otherwise previously appropriated, are appropriated; and the faith of the United States is pledged to provide for any deficiency which may happen by additional and permanent funds.

There are several acts which prolong, from time to time, the subscriptions in the Domestic and State Debts, on the same terms as by the Funding Act, those in the Domestic Debt being continued down to the last day of December, 1794; which acts, together with the acts particularly cited, comprise all those that relate to the funding of the Public Debt, and the payment of interest thereupon. The result of these acts is exhibited in the tables A, B, C, and D, which show the amount of the Foreign Debt; that of the Funded Debt, the probable amount of that which remains unfunded, of what composed, and the annual amount of interest upon the different portions of Debt, according to contract, and according to the plan of this report.

III. The provisions for reimbursing and redeeming the Public Debt, are contained in the following acts, and are as follows, viz:

1st. "An act making provision for the Debt of

Public Credit.

the United States," passed the 4th of August, 1790.

This act, which is the one that regulates the funding of the Debt, by the last section appropriates the proceeds of the sales of the lands in the Western Territory, then belonging, or thereafter to belong, to the United States, to the sinking or discharging of the Debts for which the United States then were, or by virtue of that act should be, holden, to be applied solely to that use, until they should be fully satisfied.

2d. "An act making provision for the reduction of the Public Debt," passed August 12, 1790.

This act, premising that it is desirable, by all just and proper means, to effect a reduction of the Public Debt, and that the application of the surplus revenue to that object, will not only contribute to this desirable end, but will be beneficial to the creditors of the United States, by raising the price of their stock, and be productive of considerable saving to the United States, enacts—

1. That the surplus of the duties on imports and tonnage, to the end of the year 1790, shall be applied to the purchase of the Debt of the United States, at its market price, if not exceeding the par or true value thereof.

2. That the purchases to be made shall be conducted under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, who, or any three of whom, with the approbation of the President, are authorized to cause them to be made, in such manner, and under such regulations, as shall appear to them best calculated to fulfil the intent of this act: *Provided*, That the same should be made openly, and with due regard to the equal benefit of the several States.

3. That the accounts of the application of the Fund should be settled as other public accounts, accompanied with returns of the amount of Debt, purchased at the end of each quarter of a year; and that a full and exact report of the proceedings of the Commissioners should be laid before Congress, within the first fourteen days of each session, including a statement of the disbursements and purchases, specifying the times when, prices at which, and persons of whom, the purchases were made.

4. That, in addition to this fund, the President should be authorized to borrow any sum or sums, not exceeding \$2,000,000, at an interest not exceeding five per centum, to be applied to purchases of Public Debt, in like manner, and under the same direction and regulations as the first mentioned fund: *Provided*, That, out of the interest of the Debt to be purchased, there should be appropriated, annually, a sum not exceeding eight per centum of the sums borrowed, towards paying the interest and reimbursing the principal of these sums.

But, to guard against the possibility of a deficiency of means to pay the interest on the Debt which was to accrue in the year 1791, authority is given to reserve and apply to that purpose, out of the first mentioned fund, as much as might be

necessary to supply the defect of receipts, during that year, on account of the duties which should accrue after the year 1790.

3d. "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits, &c.," passed the 3d of March, 1791.

This act appropriates whatever surplus may remain, from year to year, of the proceeds of the duties which it imposes, after satisfying prior appropriations, to the reduction of the Public Debt, unless such surplus shall be required for the current public exigencies, and, by special acts of Congress, shall be appropriated thereto.

4th. "An act supplementary to the act making provision for the reduction of the Public Debt," passed the 3d day of March, 1791.

This act declares that the terms of a Loan of three millions of florins, obtained in Holland, bearing five per cent. interest, and four and a half per cent. for charges, and future Loans on the same terms, should be deemed to be within the meaning of the act of the 12th of August, 1790.

5th. "An act supplementary to the act making provision for the Debt of the United States," passed May 8, 1792.

This act makes provision for the payment of a debt due to certain foreign officers who had served the United States, (the interest of which was, by stipulation, payable at Paris,) out of the moneys authorized to be borrowed by the Funding Act. It also establishes a permanent Sinking Fund, to be composed—

1. Of the interest of the Public Debt purchased, redeemed, or paid into the Treasury, in satisfaction of any debt or demand.

2. Of the surplus, if any, which should remain of moneys appropriated for paying the interest of the Public Debt, after paying that interest.

This Fund is to be applied, under the direction of the Commissioners nominated in the act of the 12th of August, with the like approbation of the President—

First.—To the purchase of the several species of stock constituting the Debt of the United States, at their respective market prices, not exceeding the par or true value thereof, and, as nearly as may be, in equal proportions, until the annual amount of the fund shall be equal to two per centum of the whole amount of the outstanding Funded Stock, bearing a present interest of six per centum: *Thenceforth*—

Second.—To the redemption of that stock, according to the right reserved to the United States, until the whole should be redeemed: and, lastly, after such redemption, to the purchase, at its market price, of any unredeemed Debt of the United States; which purchases are directed to be made at the lowest prices at which they can be effected by open purchases, or by receiving sealed proposals, to be opened in the presence of the Commissioners, or persons authorized by them to make purchases, and of the persons making the proposals; and are to be accounted for at the Treasury, and reported to Congress, in the same manner as the purchases before authorized to be made.

Public Credit.

6th. "An act making appropriations for the support of Government, for the year 1793."

This act provides that the President of the United States shall cause so much of the Loan made of the Bank of the United States, pursuant to the 11th section of the act of incorporation, to be paid off, in sums not less than \$50,000, as, in his opinion, the state of the Treasury may, from time to time, admit, out of any moneys which may be in the Treasury, having due regard to the exigencies of the Government, and the appropriations made, and to be made, by law.

7th. "An act making provision for the payment of the first instalment due on a Loan made of the Bank of the United States," passed March 2d, 1793.

This act authorizes the payment of the first instalment of a Loan of two millions of dollars, had of the Bank of the United States, pursuant to the 11th section of the act by which it is incorporated, out of the moneys borrowed upon the authority of the act making provision for the reduction of the Public Debt.

8th. "An act providing for the payment of the second instalment, due on a Loan made of the Bank of the United States," passed June 4, 1794.

This act authorizes the payment of that second instalment, out of the proceeds of any Foreign Loans before that time transferred to the United States. It makes other provisions, which have been noticed under a preceding head.

These acts comprise all the provisions which have been made for reimbursing and redeeming the Debt of the United States. The result, to the last of December, 1794, is presented in the statement E.

There are two other acts, which, though not falling properly under either of the foregoing heads, require, from their relation to the subject, to be brought into view.

1. An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted, passed February 12, 1793.

This act directs that all claims of the description given in the title shall be presented at the Treasury for adjustment, by the 1st of May, 1794, or shall be for ever after barred; except those for Loan Office certificates, final settlements, indents of interest, Register's certificates, balances on the books of the Treasury, Loans of money in foreign countries, certificates issued under the act, entitled "An act making provision for the Debt of the United States."

Such of the claims presented as cannot be admitted in the course of the Treasury, are to be reported to Congress, by the accounting officers.

Among the claims inadmissible in the ordinary course of the Treasury, is a sum of \$90,574, of the bills of credit, commonly called new emission money.

2. An act making further provision for the expenses attending the intercourse of the United States with foreign nations, &c., passed March 20, 1794.

This act appropriates, in addition to former pro-

visions, one million of dollars for the purposes mentioned in the title, to be paid out of any moneys which may be in the Treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who is also authorized, if necessary, to borrow the whole, or any part of the sum; but there is no special appropriation either for paying the interest or reimbursing the principal of the Loan.

The act already quoted, of the 9th of June, 1794, entitled "An act making appropriations for certain purposes therein expressed," with a view to remedy this defect, appropriates, out of the proceeds of the taxes laid during the last session, such sum as shall be sufficient to pay the interest on whatever moneys may be borrowed, pursuant to the act of March 20, 1794.

The foregoing review of the laws which constitute the fiscal system of the United States displays these prominent points as the leading features of that system:

1st. That all the current revenues of the United States are derived from these sources, to wit: imported articles; the tonnage of ships and vessels; spirits distilled within the United States, and stills; the postage of letters; fees on patents; dividends of Bank stock; snuff manufactured within the United States; sugar refined within the United States; sales at auction; licenses to retail wines and distilled spirits; carriages for the conveyance of persons.

2d. That, of these revenues, the principal part of the duties on imported articles, those on the tonnage of ships and vessels, those on distilled spirits and stills, those on the postage of letters, patent fees, the dividends on Bank stock, are permanent, (the three first being commensurate with the existence of the Debt for the payment of the interest of which they are pledged, the fourth and fifth having no limit assigned in the laws, and the last being commensurate with the duration of the property in the stock,) all the others temporary; being limited to continue no longer than till the end of the session of Congress next after the expiration of two years from the respective times of passing the laws which established them, except the temporary duties on imports and tonnage, which are to continue till the 1st of January, 1797.

3d. That the permanent duties on imported articles, the tonnage duties, the duties on spirits distilled within the United States, and on stills, are subject to these permanent dispositions:

1. To an annual reservation of \$600,000, for the support of the Government of the United States and their common defence.

2. To an appropriation of so much as may be necessary to pay the interest on the Foreign Loans provided for by the Funding Act.

3. To an appropriation of so much as may be necessary to pay the interest on the stock created by the Loan in Domestic Debt, or, more properly, in the original Debt of the United States.

4. To an appropriation of so much as may be necessary to discharge the interest on the stock created by the Loan in the debts of the respective States.

Public Credit.

5. To an appropriation of so much as may be necessary to pay the interest on the balances due to creditor States, which dispositions establish priorities, according to the order in which they are here enumerated.

4th. That the surplus, if any, of the duties on spirits distilled within the United States, and on stills, has an ultimate appropriation, that is, to the reduction of the Public Debt; but that the surplusses of the other duties have no such ultimate appropriation.

5th. That the duties on the postage of letters and the net dividend on Bank stock have no permanent or particular appropriation.

6th. That the temporary duties are charged with a specific sum of \$1,292,137 38, and with the payment of interest on a sum of \$1,000,000, authorized to be borrowed for the expenses of foreign intercourse.

7th. That the whole of the Foreign Debt, and all that part of the Domestic Debt, being now nearly the whole, which consists of the stock created by the Loans in the original Debt of the United States, and in the particular debts of the several States, and by the balances due to creditor States, are bottomed on certain specified revenues, pledged or hypothecated for the payment of the interest upon them, and thus constitute the Funded Debt of the United States.

8th. That the Funded Domestic Debt of the United States consists of three species of stock—one bearing a present interest of six per cent. per annum; another bearing a like interest after the year 1800; a third bearing a present interest of three per cent. per annum—the interest in each case payable quarter yearly.

9th. That the six per cent. stock, present and deferred, can be redeemed in no greater proportion than at the rate of eight per centum per annum of the original sum, on account both of principal and interest; but the three per cent. stock is redeemable at pleasure.

10. That the provision for subscribing to the Loan in Domestic Debt expired on the last of December, 1794, and that no further provision has been made for the unsubscribed residue.

11th That the Funding Act expressly confirms the contracts and rights of the creditors of the United States, who shall not think fit to subscribe to the Loan, and gives an expectation to them of further and other arrangements, upon the event of the propositions made to them.

12th. That the proceeds of all the lands of the United States in the Western Territory are appropriated to the redemption of all that part of the Public Debt for which, prior to the Funding Act, or by virtue thereof, the United States were or are liable.

13th. That, in addition to this, a regular Sink-ing Fund has been successively constituted, to be applied under the direction of five principal officers of the United States, with the approbation of the President, hitherto composed of three parts—1st, the surplus of the duties on imports and tonnage to the end of 1790; 2dly, the proceeds of Loans not exceeding \$2,000,000, authorized to be

borrowed for the purpose, (these two funds to be invested in purchases;) and, 3dly, (in which the two former resolve themselves,) the interest on the Public Debt, purchased, redeemed, or paid into the Treasury, together with the surplusses, if any, of moneys appropriated for interest, to be applied first to purchases of the Debt, till the fund is equal to two per centum of the outstanding stock, bearing a present interest of six per cent.; second, to the redemption of that stock; and, lastly, to purchases of any unredeemed residue of the Public Debt. But there is reserved out of this fund a sum not exceeding eight per centum per annum towards the payment of interest and reimbursing of the principal of the Loans made for purchases of the Debt.

To this recapitulation of the leading features of our Fiscal System, it may be useful to add a summary exhibition of certain results, which appear more in detail, or are deducible from the tables or statements annexed to this report.

The particulars and amount of the Debt of the United States are as follows:

Foreign Debt, as per statements B and C -	\$14,599,129 35
Deduct instalment of Foreign Debt in the year 1795, to be paid out of proceeds of Foreign Loans -	853,750 00
	<hr/> \$13,745,379 35

Funded Domestic Debt, viz:

1. Arising from original Domestic Debt, subscribed to Loan proposed by Funding Act—	
Stock bearing a present interest of six per cent.	17,912,138 01
Stock bearing a future interest of six per cent. -	8,538,228 97
Stock bearing an interest of three per cent. -	12,275,347 55
2. Arising from State Debts assumed—	
Stock bearing a present interest of six per cent.	7,908,374 19
Stock bearing a future interest of six per cent. -	3,940,608 96
Stock bearing an interest of three per cent. -	5,994,115 70
3. Arising from balances to creditor States—	
Stock bearing a present interest of six per cent.	2,345,056 00

Public Credit.

Stock bearing a future interest of six per cent. -	1,172,528 00	
Stock bearing an interest of three per cent. -	703,516 80	60,789,914 18

Unsubscribed Debt, viz:

Principal, exclusive of Loan Office certificates, bearing interest on nominal value -	1,072,583 40	
Interest thereupon, including incidents -	452,826 74	
Principal of Loan Office certificates, bearing interest on nominal sum -	27,935 00	
Interest thereupon -	7,830 00	1,561,175 14

Total unredeemed Debt - \$76,096,468 67

This is exclusive of a sum of \$1,400,000 due to the Bank of the United States, on account of the Loan of \$2,000,000 had of that institution, pursuant to the eleventh section of the act by which it is incorporated, and which is not included in the mass of the Debt, because it is more than counterbalanced by a greater value in stock. It is also exclusive of those Loans which are temporary anticipations of the revenue.

The particulars and amount of the annual current revenues of the United States are as follows:

APPROPRIATED.	PERMANENT.	
Duties on imports and tonnage, domestic	\$4,199,791 67	
Duties on distilled spirits and stills -	400,000 00	
Fees on patents -	660 00	
UNAPPROPRIATED.		
Postage of letters -	29,722 16	
Surplus dividends on Bank stock -	62,500 00	\$4,692,673 83
		TEMPORARY.
Temporary duties on imports -	1,479,626 91	
		INTERNAL.
Duties on snuff, refined sugar, sales at auction, licenses to retail spirits and wines, carriages for conveyance of persons -	380,000 00	1,859,626 91
Total annual current revenue	\$6,552,300 74	

The particulars and amount of the annual stated expenditure of the United States, computing the Army and Navy Establishments on the scale of an Indian and Algerine war, are as follows:

Interest on the Foreign Debt -	\$638,480 58
Interest on Domestic Funded Debt -	2,339,241 50
Interest on Unfunded Debt -	66,081 10
Interest on temporary Loans -	100,000 00
Expenses of the Civil Government, including Foreign Intercourse -	475,249 53
Expenses of Military Land Service -	1,511,975 29
Expenses of Military Naval Service -	441,508 80
Miscellany -	109,357 04

Total annual expenditure \$5,681,843 84

This sum is liable to be increased by the interest which will begin to accrue on the deferred stock the first of January, 1801; being, on the present amount of that stock, \$871,401 92.

The annual force of the Sinking Fund, as depending on ascertained funds, may be stated as follows:

Interest for a year, on sums already carried to its credit -	\$68,225 55
Interest for a year, on debts of foreign officers, in a course of payment, including arrears of interest to be carried to the credit of this fund -	13,139 49
Interest for a year, on the unexpended surplus of the revenues at the end of the year 1790, being \$4,11,659 49, supposing this to be invested, by purchase, in an equal sum of present six per cent. stock,	24,699 56

Total - \$106,064 60

It is further liable to be increased by an investment in purchases of \$865,098 11, which, together with the sums from that source already invested in purchases and payments, will amount to \$2,000,000, the sum authorized to be borrowed for purchases of the Debt.

But, as this auxiliary depends on an operation, not only future, but, in some degree, casual, it cannot be taken into an estimate of the actual strength of the fund.

The proceeds of the sales of Western lands must also be considered as an eventual resource.

There are other contingent sources of augmentation not computed, because they are contingent. But, on the other hand, the fund is liable to be reduced by a sum reserved out of it for the payment of principal and interest of the two millions authorized to be borrowed for purchases, not exceeding eight per centum per annum.

The sum applicable, in the first instance, to the redemption of that portion of the Funded Debt which bears a present interest of six per centum, excluding that standing to the credit of the Commissioners of the Sinking Fund, is as follows:

Of transferable stock - \$516,110 24

Public Credit.

Of untransferable stock, arising from balances to creditor States	-	46,901 12
Total	-	\$563,311 36

The sum applicable, in the first instance, (that is, on the first day of January, 1802,) to the redemption of that portion of the Funded Debt now called deferred stock, excluding that standing to the credit of the Commissioners of the Sinking Fund, will be as follows:

Of transferable stock	-	\$249,576 75
Of untransferable stock, arising from balances to creditor States	-	23,450 56
Total	-	\$273,027 31

These sums would complete the redemption of the whole amount of the stock to which they are applicable, within twenty-three years after the redemption in each case was begun; within which terms they would discharge the whole of the Public Debt, except the Foreign Debt, the unsubscribed Debt, and the three per cent. stock.

If the redemption of the present six per cent. stock commence the first of January, 1796, and the redeeming fund be commensurate with the whole of the unredeemed stock bearing a present interest of six per cent., and transferable, the revenue set free in the year 1818, for operations upon the residue of the Debt, will be \$2,039,394 36.

If the redemption of the Deferred Debt commence the first of January, 1802, when it may rightfully commence, and the redeeming fund be commensurate with the whole of that stock, unredeemed and transferable, the revenue set free in the year 1824, for operations upon the residue of the Public Debt, if any remain, will be \$998,307 02.

The revenue set free by these successive redemptions, would be sufficient to redeem the whole of the present Foreign Debt in six years; that is, within a term of twenty-eight years from the proposed time for commencing the redemption, or the 1st January, 1796; and, after extinguishing the Foreign Debt, would more than discharge the whole of the balances to creditor States, and the whole of the unfunded Debt, in two years more.

If the proceeds of the lands in the Western territory should be equal to three millions of dollars, and the three per cent. stock can be purchased at an average of twelve shillings in the pound, that fund would suffice to pay off the principal of the three per cent. stock, in something more than twenty-five years.

It follows, that, if the force of the Sinking Fund be rendered equal, exclusive of the proceeds of the sales of Western lands, to the redemption of the present unredeemed transferable stock, commencing the 1st of January, 1796, as to that bearing a present interest of 6 per centum, and the 1st of January, 1802, as to that bearing a future interest of 6 per centum; and if the proceeds of the sales of Western lands should prove equal to 3,000,000 of dollars, and can be brought into action for purchasers of the 3 per cent. stock, at the

rate above mentioned, at any time before the year 1801, the whole of the present Debt of the United States, Foreign and Domestic, (the funds appropriated being, during the whole period, adequate, in productiveness, and inviolably applied) would be extinguished in thirty years. And there would then revert to the United States, an annual income of 4,435,320 dollars and 89 cents. Some auxiliary provisions, which will be proposed, may greatly accelerate that result.*

On the basis of the foregoing data, the Secretary of the Treasury proceeds to submit to the consideration of Congress, certain propositions, which appear to him necessary to be adopted to complete our system of public credit. These will be followed by some explanatory remarks.

I. PROPOSITION.

That further provision be made, with regard to the yet unsubscribed Debt of the United States, as follows:

1st. Further time to be given, until the end of the year 1795, to subscribe the same to the Loan proposed by the Funding Act; with liberty to the holders to subscribe the arrears of interest up to that period, separately from the principal, reserving that principal on its original footing.

2d. An appropriation to be made for payment of interest on so much of the principal (excepting Loan Office certificates bearing interest on the nominal value) as, at the end of the year 1795, shall remain unsubscribed, for the term of one year, according to the rate or rates stipulated by the original contracts, and for the payment of ten per centum of the arrears of interest thereupon, to the same end of the year 1795. This payment to be made on the 1st of January, 1796, at the Treasury, where no particular place of payment is stipulated, and at such place, where there is one.

3d. The specie principal of the Loan Office certificates, which bear interest on the nominal value, together with the arrears of interest, to be immediately paid off.

II. PROPOSITION.

That provision be made for taking, upon Loan to the United States, by subscription at the Treasury, the outstanding and unbarred new emission bills of credit, the sums subscribed to be paid in the principal only of those bills, and stock of the new Loan to bear an interest of 5 per cent. per annum, payable, quarter yearly, at the Treasury, and redeemable at the pleasure of the United States, by payment of the principal, with a stipulation to pay the same at the expiration of thirty years. The Loan to be deemed to commence on the first of January, 1796, and to rest on funds permanently pledged, namely, the permanent revenues.

III. PROPOSITION.

That provision be made for converting, by a new Loan, the whole of our present Foreign, into

* These results are not stated with fractional correctness, because it is not necessary to a satisfactory conclusion, and the minuteness of the calculation would have demanded more time than can conveniently be spared.

Public Credit.

Domestic Debt, upon these terms, to wit; that, for any sum subscribed to the new Loan, and paid in the principal of the present Foreign Debt of the United States, there be allowed, in addition to the interest now payable upon such principal, the further yearly interest of $\frac{1}{2}$ per centum, or, in lieu thereof, at the option of each subscriber, an equivalent sum in capital stock, bearing an interest of 5 per centum per annum. That the whole interest upon the new Loan, including that upon the capital stock, to be given as an equivalent for the additional $\frac{1}{2}$ per cent., shall remain fixed until the first day of January, 1818, at which time, and not sooner, the principal of the said new Loan, including the said capital stock given as an equivalent, may and shall be reimbursed, except as to such subscribers as may prefer a shorter term of reimbursement, who may elect any term not less than fifteen years. That the permanent revenues shall be and remain firmly pledged for the payment of the said interest, until the reimbursement of the said principal, to be paid quarter yearly, as that of the present funded Domestic Debt. And, lastly, that the Commissioners of the Sinking Fund be empowered, with the approbation of the President, to provide by new loans, for the reimbursement of any instalment, or part of principal, of the present Foreign Debt, or of the Loan to be made thereupon, as aforesaid, either by direct borrowing or by sale, in the market, of certificates of stock, so as the said Loan, or the said certificates of stock, shall bear an interest not exceeding 6 per centum per annum, and shall be liable to reimbursement within a term not exceeding twenty-four years. The interest upon the capital reimbursed, and, in aid thereof, the permanent revenues, to be pledged for the interest upon the loans or stock to be made or created by virtue of the said power.

IV. PROPOSITION.

That the temporary duties on imports be made co-extensive, in duration, with those now permanent, and be appropriated in like manner; and that the reservation of 600,000 dollars, annually, out of the duties on imports and tonnage, for the support of the Government of the United States, and their common defence, be postponed till after the appropriations for the interest of the Funded Debt, foreign and domestic, and for the Sinking Fund.

V. PROPOSITION.

That the following provisions be added to those heretofore made for reimbursing and redeeming the Debt of the United States:

1st. To direct, by law, that so much of the surplus of the duties on imports and tonnage, to the end of the year 1790, as shall remain uninvested in purchases, on the 1st day of January, 1796, shall so be invested, one-fourth part within the month of April, another fourth part within the month of July, another fourth part within the month of October, in that year, and the remainder within the month of January, 1797.

2d. To exonerate the fund established by the act, entitled "An act supplementary to the act making provision for the Debt of the United States,"

passed the 8th of May, 1792, from the payment of the rate per annum, which, by the 4th section of the act of the 12th of August, 1790, entitled "An act making provision for the reduction of the Public Debt," is reserved, on account of the principal and interest of the moneys authorized, by that act, to be borrowed for the purchases of the Debt; charging the interest of the moneys so borrowed, upon the revenue from imports and tonnage.

3d. To appropriate to the same fund, so much of the revenue from imports and tonnage, as, together with the other moneys now constituting the fund, and which shall accrue to it by virtue of the foregoing provisions, shall be sufficient, from year to year, with the interest redeemed, to pay the sums which may, of right, be annually paid on account of the principal of such funded stock, as, on the 1st day of January, 1796, shall bear a present interest of 6 per centum per annum, excluding that which shall stand to the credit of the Commissioners of the Sinking Fund, and that which shall stand to the credit of particular States, on account of the balances reported in their favor by the Commissioners for settling accounts between the United States and individual States; to continue so appropriated until the whole of the said funded stock shall be redeemed, and, thenceforth, until the whole residue of the present Debt of the United States, foreign and domestic, funded and unfunded, shall be redeemed or discharged.

4th. To appropriate to the same fund, the dividends on the stock of the Bank of the United States, belonging to the United States, reserving, from time to time, so much thereof as may be necessary to pay interest on what shall remain unpaid of the Loan had of the said Bank, pursuant to the second section of the act of incorporation, and, also, so much of the duties on imports and tonnage, as, together with those dividends, (deducting what may be necessary to pay interest) shall be sufficient, from year to year, to pay off the instalments of the said Loan, hereafter to grow due, and as, (the said instalments being paid,) together with any other moneys which, on the 1st day of January, 1802, may belong to the said fund, not otherwise appropriated, shall be sufficient, from year to year, with the interest redeemed, to pay the sums which may, of right, be annually paid on account of the principal of such funded stock, as, at the expiration of the year 1800, shall begin to bear an interest of six per cent. per annum, excluding that which shall stand to the credit of the Commissioners of the Sinking Fund, and that which shall stand to the credit of particular States, on account of the balances reported in their favor, by the Commissioners for settling accounts between the United States and individual States; to continue so appropriated, until, as well the last mentioned stock, as the instalments of the Loan aforesaid, shall be fully redeemed and discharged, and, thenceforth, until the whole residue of the present Debt of the United States, foreign and domestic, funded and unfunded, shall be redeemed and discharged.

5th. To continue the appropriation to the same fund, of the interest of the stock which shall be

Public Credit.

redeemed by virtue of the foregoing provisions, (when the full redemption in each case is completed) until the whole of the present Debt of the United States, foreign and domestic, funded and unfunded, shall be redeemed, by reimbursement, purchase or otherwise.

6th. To provide for carrying to the same fund, agreeably to the appropriation in the Funding Act, the proceeds of the sales of the lands of the United States in the Western Territory, to be applied according to the said appropriation.

7th. To appropriate to the same fund, to be employed for the purposes thereof, all moneys which shall be received for debts due to the United States antecedent to the present Constitution.

8th. To provide that the surplusses of all the current revenues of the United States, which shall remain at the end of any calendar year, beyond the amount of the appropriations charged upon them, and which, during the session of Congress, commencing next thereafter, shall not be otherwise specially appropriated or reserved, shall be carried to the fund aforesaid, to be applied to the purposes thereof.

9th. To provide for paying, annually, out of the said fund, the sum which may be rightfully paid in each year, towards the redemption of the funded stock, which does or shall bear an interest of six per centum per annum, excluding that which shall stand to the credit of the Commissioners of the Sinking Fund, and that which shall stand to the credit of particular States, on account of the balances reported in their favor by the Commissioners for settling accounts between the United States and individual States, commencing the redemption of that bearing a present interest, on the first of January, 1796, and of that to bear interest after the year 1800, on the first of January, 1802, and pledging, in the firmest manner, the faith of the United States to the creditors thereof, that the said fund shall be inviolably applied to the purpose of redeeming the stock aforesaid, and afterwards, to the redemption of the whole of the present Debt of the United States, foreign and domestic, funded and unfunded, until the whole shall be fully redeemed and discharged, and to be vested in the Commissioners of the Sinking Fund, as property in trust for the creditors, until the redemption of the whole of the present Debt of the United States shall be completed.

Provided always, that, whenever the fund shall be more than sufficient for paying off, as they accrue, the remaining instalments of the said Loan had of the Bank of the United States, and for the complete and final redemption of the whole of the aforesaid stock, bearing and to bear an interest of six per cent. according to the right reserved for that purpose, and also for the payment of the instalments of the present Foreign Debt, or of such new Loans as may be made thereupon, pursuant to the third proposition, and for the reimbursement, purchase, or redemption of the residue of the present Debt of the United States, within the term of thirty years, it shall be lawful for Congress, if at war with any foreign European Power,

to apply so much of the excess as they may think fit, the said excess being certified by the Commissioners of the Sinking Fund, towards the expenses of such war; excepting always so much of the said excess as may be requisite to fulfil any contracts which shall have been entered into by the Commissioners of the Sinking Fund, pursuant to the powers vested in them; and provided, that no second appropriation of any such excess shall derogate from the fund once reserved for the redemption or purchase of the said residue of the Debt, within the said term of thirty years.

10th. To provide that all reimbursements of the capital of the Public Debt, foreign and domestic, and of the remaining instalments of the aforesaid Loan of the Bank of the United States, be made under the superintendence of the Commissioners of the Sinking Fund, empowering them, with the approbation of the President of the United States, as the instalments of principal become due, to borrow, if necessary, the sums requisite to pay those instalments. Provided, that the ultimate term for the reimbursement of any Loan they may make, shall not exceed twenty-four years; the interest thereof to be charged—first, upon the interest of the instalments which shall be reimbursed by means thereof, except the instalments of funded six per cent. stock; secondly, upon the revenue from imports and tonnage, to make good any deficiency.

VI. PROPOSITION.

That power be given to the Commissioners of the Sinking Fund, with the approbation of the President, to borrow, from time to time, such sums as may be necessary in anticipation of the revenues appropriated for the purpose, not exceeding, in one year, one million of dollars, to be reimbursed within a year from the time of each Loan, for the payment of the interest which shall annually accrue on the Public Debt.

The interest upon each Loan to be defrayed out of the permanent revenues.

VII. PROPOSITION.

That the internal revenues from snuff and refined sugar, sales at auction, licenses to sell by retail foreign distilled spirits and wines, carriages for the conveyance of persons, be continued to the first day of January, 1800, and that the reimbursement of the principal of the Loan of \$1,000,000, authorized to be borrowed for defraying the expenses of foreign intercourse, be charged upon this fund.

VIII. PROPOSITION.

That, in regard to any sum which shall have remained unexpended upon any appropriation other than for the payment of the interest of the Funded Debt and for the purposes of the Sinking Fund, for more than two years after the end of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to cease and determine—and the sum expended upon it shall be carried to an account to be denominated "the Surplus Fund." But no appropriation shall be so deemed to have ceased or determined, till after the year 1795

unless it shall appear to the Secretary of the Treasury that the object of such appropriation has been fully satisfied; in which case it shall be lawful for him to cause to be carried the unexpended residue thereof to the account aforesaid.

IX. PROPOSITION.

That provision be made that all priorities, heretofore established in the appropriations for the Funded Debt, as between the different parts of the said Debt, shall, after the year 1796, cease, with respect to all creditors of the United States who do not before the expiration of the period, signify their dissent therefrom; and that, thenceforth, with the exception only of the debts of those creditors, who shall so signify their dissent, the revenues charged with these appropriations shall constitute a common or consolidated fund, chargeable indiscriminately and without priority.

X. PROPOSITION.

That provision be made for calling in all outstanding Loan Office certificates; certificates called final settlements, and indents of interest, and for issuing, in lieu of them, other certificates of equivalent tenor, establishing that all which shall not be presented for exchange within the term of two years shall be barred.

Remarks upon the First Proposition.

The experiment has now been fully tried, and with nearly complete success, of the disposition of the public creditors to accept the terms offered by the Funding Act. Those who still decline have probably made a final election to abide by their original contracts.

It remains to fulfil them. This, the moral obligation of the contracts; the new and peremptory sanction given to them by the present Government, and the essential maxims of public credit, unite to demand; and, while these cogent motives, affecting intimately the permanent character and general interest of the United States, recommend the measure, there is now no longer any momentary inducement, from situation, to procrastinate.

The present advanced state of the national finances, and the inconsiderable magnitude of the still unsubscribed Debt, render it of little, if any, consequence to obtain upon it the temporary accommodation of deferring the payment of a part of the interest accruing according to contract. This motive apart, and considering the approximation of the period when the payment of interest on the Deferred Debt is to commence, the chance of benefiting by a fall of the market rate of interest, incident to a provision for the Debt on the terms of the contract, which make it redeemable at pleasure, may be found more advantageous to the Government than the partial postponement of interest encumbered with an abridgement of the right of redemption.

To those who should not rightly appreciate this circumstance, it might seem an objection that the provision proposed would place those creditors, who had not consented to accommodate the Go-

vernment, upon a better footing than those who had so consented.

But a scruple of this kind is overruled by several considerations. 1st. It is not improbable that a considerable proportion of those who may not have accepted the terms offered by the Funding Act, are executors and other trustees, who may have doubted their power to accept.

2d. Giving the fullest force to the fact which is the ground of the objection, it is one of those cases in which the general principles that constitute the permanent happiness of society, give the less meritorious advantages over the more meritorious. All the creditors had a right to conform, or not. Those who have not done it, have only used their right, and it cannot be matter of objection or prejudice to them. To delay indefinitely a provision for their claims, according to contract, is to annihilate the contract.

The complying creditors cannot with propriety complain. They were informed unequivocally that the proposal of a new Loan was referred to their free choice; that the rights of those who did not assent would remain unimpaired; and compensations were offered in the new contracts for the surrender of the old. A plea that an ultimate provision was not relied upon, could not be admitted, because it would be to convert a distrust of the faith of the Government, into an argument against its being observed towards those who had depended upon it.

But the complying creditors actually received valuable considerations for the modification of their claims, instead of annual provision for their interest, which alone their contracts as they stood previous to the Funding Act required; they have had it secured by adequate funds permanently mortgaged for its payment.

Instead of the stipulated annuity being redeemable at pleasure, whenever a fall in the market rate of interest should render it advantageous to pay off the principal, it has acquired a more fixed character by the relinquishment of the right of the Government to redeem, except in certain proportions, and a capacity to increase in capital value, by a declension of the market rate of interest.

Instead of receiving their interest in one payment, at the end of a year, they receive it in quarter yearly portions, which makes it, in fact, 6.15 per cent., in lieu of the stipulated rate of six per centum.

On the first point it has been argued, that, supposing a steady preservation of its faith by the Government, it is indifferent to the creditor whether his demand stands upon the basis of an annual provision, or upon that of mortgaged funds.

This is to substitute theory to fact. As well with regard to a Government as to an individual, there is, in the nature of things, an intrinsic difference between the value of a debt bottomed on mortgaged funds, and that of a debt resting on what is called, in the one case, and may be called in the other, personal security. The degree of this difference, and some of the circumstances on

Public Credit.

which it depends, may be different in the two cases, but the reality of its existence can be denied in neither.

Government being administered by men, is naturally, like individuals, subject to particular impulses, passions, prejudices, vices; of course to inconsistency of views and mutability of conduct.

A kind of property of which the essence is contract, must necessarily, therefore, be more or less valuable, because more or less secure, in proportion as it is little or much exposed to the influence of that inconsistency, or that mutability.

If a provision is to be made by a new resolution every year, that resolution being always liable to be affected by momentary circumstances, is always casual.

If made once for all, it continues, of course, unless revoked by some positive act, and has for that reason a moral certainty of stability.

But why, it might be asked, if a disposition unfaithful to the public engagements, or unfriendly to the public credit, should exist, would it not operate to produce a violation of a provision made, as well as to prevent the making of one?

The two things are widely different. To undo, which is to act, and, in such a case, to act with violence, requires more enterprise and vigor, and presupposes greater energy, or a stronger impulse, than not to do, or to forbear to act. This is particularly true where a number of wills is to concur. Many men who will not rouse to the effort, or encounter the responsibility of doing mischief by positive acts, will readily enough slide into it by a negative conduct; that is, by omitting to act. Many men, merely from easiness of temper, or want of active fortitude, will suffer evil to take place, which they neither desire nor would themselves commit. In collective bodies, votes are necessary to action: absences may produce inaction. It often happens, that a majority of voices could not be had to a resolution to undo or reverse a thing once done, which there would not be a majority of voices to do.

This reasoning acquires tenfold force when applied to a complex Government like ours; that is, to a Government distributed into departments, acting through different organs which must concur to give it motion; as, in our Constitution, the House of Representatives, the Senate, and the President.

In delicate and difficult cases, whether to issue in good or ill, a suspension of action is far more natural to such a Government than action.

It can hardly happen that all the branches or parts of it can be infected at one time with a common passion, or disposition, manifestly inimical to justice and the public good, as to prostrate the public credit by revoking a pledge given to the creditors. It is far more probable that such a disposition should, at one time, possess one part, at another time, another part. Possessing either part, it might be sufficient to obstruct a provision which was to be made. Without possessing all the parts, it could not subvert one which had been made. The last can scarcely be supposed, except in one of

those extraordinary crises of nations which confound all ordinary calculations.

Hence the value of property in Public Debt, which rests on specified and competent funds, firmly pledged for the satisfaction of the creditor, is intrinsically greater, and to a considerable extent, than that of property in Public Debt, which depends on annual provision. Hence, too, a creditor to whom such a pledge was not stipulated, may be justly said to have received a compensation for the relinquishment of a portion of his interest.

On the second point, it has been observed, with less plausibility, that, in this country, where it would be to the advantage of the creditor to receive his principal rather than a rate of six per cent. interest, the abridgment of the right of redemption is of no value.

1st. The proposition is not universally true.

It depends on the particular situation of a creditor whether it be his interest to be reimbursed his principal or not. It is believed, owing to the impunctuality of collections, that in no part of the United States does fair lending at private interest, upon real security, nett six per cent.

2d. As far as it is true, it does not authorize the inference which is drawn, because the creditor cannot demand his principal when it suits him, but must wait till it is convenient for the Government to pay. This convenience might not exist till there was a fall in the market rate of interest, and then it would not be the interest of the creditor to receive.

Unable to exact the principal when he pleases, it is a material point gained to be able to arrest the hand of the Government from paying him, when it is his interest not to receive. It is evident, that whenever the rate of interest to which he is entitled, shall exceed the market rate, if he cannot be obliged to receive back his principal, or take the market rate, his stock must rise in value in proportion to the difference and degree of its duration.

Nor, is an idea which has been entertained, just, that this advantage is remote and contingent, to accrue only to those who may be holders at the time of the fall of interest, at the expense of those who were holders when the Funding Act passed, many of whom, as it is alleged, being obliged to alienate then or shortly after, suffered loss in the sale, from the postponement of a part of their interest, without benefiting by the supposed equivalents.

The fairness of an equivalent ought never to be tested by the necessities of particular individuals. It ought to be estimated by the general principles of value; by the natural and real operation of things. Admitting, therefore, the suggestion as to such individuals to be true, it would decide nothing.

But it is not true. The permanency of a high rate of interest, and the possibility of a future rise of the capital above par, by the fall of the market rate below the stipulated rate, were, to the first holders of stock, circumstance, of present value.

Foreigners, especially, whose purchases would necessarily influence the market would give higher prices for it on these accounts.

And when to this are added, the funding of the new stock and the payment of the interest quarter yearly, there is solid ground for entertaining an opinion that the stock has, from the earliest period, borne a better price in the market than upon the principle of an annual payment of six per cent. on the whole capital depending upon an annual provision.

This opinion would be confirmed, if we should take as a guide what actually happened in one or more of the States which made annual provision for the payment of interest upon their debts, at the stipulated rate of six per cent. With this provision the market price of their stock rarely exceeded 33½ per centum.

It is probable that greater confidence in the ability and constancy of views of the Government of the United States, might have given a greater value to their stock in a like situation. But it is not to be doubted that it would have felt, in a great degree, a similar effect of that situation.

This may not appear with respect to the small amount of unsubscribed Debt now to be provided for, and with the advantage of a confirmation of confidence by experience; but it could not have failed to have been very apparent, if the whole Debt had been provided for on this plan.

These observations serve to render it probable that the creditors who have accepted the terms offered by the Government, have not been injured by the acceptance; that, if they had now an option to change their ground for that which is now proposed for non-subscribers, it would be an ill-judged choice in them to do it; and that, upon these, as well as other accounts, they will have no cause to be dissatisfied with the proposal under consideration.

Let it be added, that, whether the non-subscribers shall fare better or not by that proposal than the subscribers, it is the interest of all the public creditors, upon principle and precedent, that the public faith should be preserved towards those non-subscribers.

But, at the same time, every consideration connected with the question urges that nothing more should be done for non-subscribers than is positively due to good faith. Accordingly, the proposition contemplates that their debt shall not be funded, but that provision shall be annually made.

With regard to arrears of interest, a tenth part only is proposed to be paid on the first of January, 1796. At this rate they would be paid off in ten years.

In strictness, they ought to be immediately discharged. But, to have done this on the whole Debt, would have been impracticable; to do it on what now remains unsubscribed, would not only be unequal, but would, at the present moment, obstruct arrangements which are conducive to the general interests of the creditors. The state of the Treasury in succeeding years will enable Congress to decide how far the payment can be

accelerated. In the mean time, the creditors have an option to separate these arrears from the principal, and to fund them at three per cent., as has been done generally with regard to interest. The case of a large arrear of interest, arising from the inability of a former Government, which is the present case, is liable to some peculiar considerations.

A difference is made in the special case of the Loan Office certificates, which, by contract, are entitled to interest of six per cent. on the nominal principal, redeemable only by payment of the specie principal.

This is too disadvantageous a footing for the Government.

The alternative most convenient at this time, is to pay off the Debt, which is proposed. To clude this contract would be to sacrifice a very great principle to a very little interest.

The amount will be seen in the statement A.

Remarks on the Second Proposition.

The certificates, or bills of credit, called new emission money, were emitted pursuant to a resolution of Congress, of the 18th of March, 1780, which directs them to be emitted upon the funds of individual States, to bear an interest of five per centum per annum, payable in specie, at the redemption of the bills; or, at the election of the holder, annually, at the Continental Loan Offices, in sterling bills, drawn by the United States upon their Commissioners in Europe, and pledges the faith of the United States for the payment of the said bills, in case any State on whose funds they should be emitted, should, by the events of war, be rendered incapable to redeem them; directing, also, an endorsement to be made upon each bill, in these words: "The United States insure the payment of the within bill, and will draw bills of exchange for the interest annually, if demanded, according to a resolution of Congress of the 18th of March, 1780."

These resolutions and the endorsement upon the bills, engage the absolute promise of the United States for the payment of the interest indefinitely, and their eventual guarantee of the principal, in case any State on whose funds the bills should be emitted, should, by the events of war, be rendered incapable to redeem them; which is, in effect, though not in form, an absolute guarantee of the principal, for the United States are bound to pay the interest perpetually till that is discharged.

Good faith demands that the United States should supply the omissions of the States which issued the bills, by providing themselves, at least for the interest upon them.

But it is not as easy to pronounce on what terms they ought to be provided for.

On their face, and according to the unrevoked resolutions of Congress, they are of specie value, equal to their nominal amount, and bearing five per cent. interest.

But it is known that they were issued by different States, at different values, fixed by previous laws. The true nature of the contract, therefore,

in fact, and the true equity of the case, are, from these circumstances, involved in some question.

A compromise, by a new agreement, seems the best road out of the difficulty.

This is the aim of the proposition, which, it is hoped, will, in the main, reasonably consult all interests.

There have been special references of this subject to the Secretary, but he purposely declined a report till the expiration of the term limited by the act, entitled, "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted," passed the 12th of February, 1793, had obviated a danger to which the business was exposed. It is now ascertained that the amount for which the United States shall be in future liable, is ninety thousand five hundred and seventy-four dollars. The sums subscribed to the Loan, will, of course, be a charge against the States which respectively issued the bills.

Remarks on the Third Proposition.

The payment of interest and instalments of principal of our Foreign Debt, in the countries where it was contracted, is found by experience to be attended with difficulty, embarrassment, some loss, and a degree of casualty which occasionally puts in jeopardy the national credit. Loans for reimbursement must be made before-hand, as the market suits, and necessarily involve double interest for a greater or less time. The procuring of bills to be remitted for payment of interest, cannot be depended upon in coincidence with the periods of payment, which, co-operating with distance, renders inconvenient anticipations necessary.

The remitting in commodities would be liable to other casualties, and to some peculiar objections; and whatever mode be adopted, it may be frequently not practicable to deposite in season the necessary funds on the spot, without great sacrifices. If, therefore, the place of these payments could, with consent of the creditors, upon an equitable indemnification to them for the transfer, be changed to the United States, the operation would be, in various lights, beneficial. It has occurred that the present posture of the affairs of Europe might favor a plan of this kind, and perhaps produce some collateral advantages. Under this idea, an experiment is proposed. The promised augmentation of interest is intended as an indemnification for the expense and hazard of agencies in this country, delays in remittance, inconvenience of distant negotiation, renunciation of the facilities which attend the receipt of interest at home, risks of loss by exchange, &c., and is calculated on a liberal scale, in order to induce an acceptance of the proposition.

If, instead of an increase of interest, the option of an equivalent be given, by way of premium, in stock bearing an interest of five per cent., it would have attractions for certain creditors, and would facilitate the success of the measure. On strict calculation, the equivalent would be six dollars and fifty-eight cents per 100 dollars of the principal subscribed. It is not perceived that the inter-

ests of the United States could suffer by allowing the alternative. The fixing of the rate of interest, by postponing the reimbursement to the year 1818, would also be a powerful inducement. And till the period of reimbursement arrives, any surplus of the Sinking Fund which may exist, can be invested in purchases, so as to prevent the progress of the fund being arrested.

It could not be necessary to observe, except for the sake of dispelling jealousy or apprehension on the part of the creditors, that, while the plan is in experiment, and afterwards, with regard to all who do not embrace it, everything is to proceed as heretofore, and as the contracts respecting the debt require.

The auxiliary proposition of giving power to the Commissioners of the Sinking Fund to remit certificates for sale, is founded upon a belief that this operation will sometimes be practicable, where direct loans cannot be effected, and will be occasionally a more beneficial mode of remittance than by bills of exchange.

Remark on the Fourth Proposition.

The object of this proposition is to give moral certainty to the adequateness of the fund for paying the interest upon the Debt, and for its ultimate redemption, making a reasonable allowance for the casualties to which it is exposed.

Remarks on the Fifth Proposition.

There is no sentiment which can better deserve the serious attention of the legislators of a country, than the one expressed in the Speech of the President, which indicates the danger to every Government from the progressive accumulation of debt.

A tendency to it is, perhaps, the natural disease of all Governments; and it is not easy to conceive anything more likely than this to lead to great and convulsive revolutions of empire.

On the one hand, the exigencies of a nation, creating new causes of expenditure, as well from its own, as from the ambition, rapacity, injustice, intemperance, and folly, of other nations, proceed in increasing and rapid succession. On the other, there is a general propensity in those who administer the affairs of a Government, founded in the constitution of man, to shift off the burden from the present to a future day—a propensity which may be expected to be strong in proportion as the form of a State is popular.

To extinguish a debt which exists, and to avoid the contracting more, are ideas always favored by public feeling and opinion; but to pay taxes for the one or the other purpose, which are the only means of avoiding the evil, is always more or less unpopular. These contradictions are in human nature; and happy, indeed, would be the lot of a country that should ever want men ready to turn them to the account of their own popularity, or to some other sinister account.

Hence, it is no uncommon spectacle to see the same men clamoring for occasions of expense, when they happen to be in unison with the present humor of the community, whether well or ill directed, declaiming against a Public Debt, and for

Public Debt.

the reduction of it as an abstract thesis; yet vehement against every plan of taxation which is proposed to discharge old debts, or to avoid new, by defraying expenses of exigencies as they emerge.

These unhandsome arts throw artificial embarrassment in the way of the administration of a Government, and, co-operating with the desire which they themselves are too apt to feel to conciliate public favor, by declining to lay even necessary burdens, or with the fear of losing it, by imposing them with firmness, serve to promote the accumulation of Debt, by leaving that which exists without adequate provision for its reimbursement, and by preventing the levying, with energy, new taxes, when new occasions of expense occur. The consequence is, that the Public Debt swells till its magnitude becomes enormous, and the burdens of the people gradually increase, till their weight becomes intolerable. Of such a state of things, great disorders in the whole political economy, convulsions and revolutions of Government, are a natural offspring.

There can be no more sacred obligation, then, on the public agents of a nation, than to guard, with provident foresight and inflexible perseverance against so mischievous a result. True patriotism and genuine policy cannot, it is respectfully presumed, be better demonstrated by those of the United States, at the present juncture, than by improving, efficaciously, the very favorable situation in which they stand, for extinguishing with reasonable celerity, the actual Debt of the country, and for laying the foundation of a system which may shield posterity from the consequences of the usual improvidence and selfishness of its ancestors, and which, if possible, may give immortality to public credit.

Fortunately for the first object, the circumstances in our foreign affairs, which during the last session, impelled to an extension of the national revenues, have left little more to do than to apply the existing means with decision and efficacy.

The second object will depend on the establishment of wise principles in the application, fitted to become a permanent precedent in the fiscal system of the country.

The first report of the Secretary on the subject of the Public Debt, of the 9th of January, 1790, suggests the idea of "incorporating, as a fundamental maxim in the system of public credit of the United States, that the creation of Debt should always be accompanied with the means of extinguishment; that this is the true secret for rendering public credit immortal, and that it is difficult to conceive a situation in which there may not be an adherence to the maxim;" and it expresses "an unfeigned solicitude, that this may be attempted by the United States, and that they may commence their measures for the establishment of credit with the observance of it."^{*}

^{*} It is understood that the Parliament of Great Britain has within the last four years, formally adopted as a standing rule, the principle of incorporating, with the creation of Debt, the means of extinguishment. How much easier must the execution of this important principle be to the United States, than to a nation which, before it began, had so deeply mortgaged its resources. Let the United States never have to regret, hereafter, that they postponed too long so provident a precaution.

No opportunity has been lost by the Secretary as far as he could contribute to the event, to reduce this principle to practice; and important steps towards it have been, from time to time, taken by the Legislature.

But much remains to be done to give it full effect. The present state of things encourages and invites to the consummation of the plan. And the Secretary, about to leave the office he holds, feels it a peculiar duty to make a final effort to promote that invaluable end.

This is the object of the fifth proposition, aided by the preliminary provisions of the 4th. This proposition aims at two principal points: 1. To constitute a fund sufficient, in every supposable event, for extinguishing the whole of the present Debt of the United States, foreign and domestic, in a period not exceeding thirty years. 2. To fix its destination unchangeably, by not only appropriating it permanently, under the direction of Commissioners, and vesting it in them as property in trust, but by making its faithful application a part of the contract with the creditors.

As to the first point: If the temporary duties on imports be rendered permanent, the annual reservation of six millions of dollars postponed; and if the additional appropriations which are proposed, be made to the Sinking Fund; its intended force will not only be equal to the effect meant to be produced, but it may be hoped that there is scarcely a casualty which can reasonably be taken into calculation, foreign war not excepted, which will occasion a deficiency in the fund.

The whole amount of the duties on imports and tonnage, and upon domestic distilled spirits and stills, estimated now to amount to \$6,079,418 58, besides the dividends on Bank stock, and the items which now compose the Sinking Fund, will then be appropriated, primarily, to the interest upon the Public Debt, and to the Sinking Fund; which, together, including the deferred stock, will demand, permanently, from that revenue, \$4,378,836 03—little more than two-thirds of the funds from which they arise. An expectation may be indulged, that even foreign war, making due allowance for what will always be practicable, through neutral Powers, would not occasion a defalcation in the revenues greater than the difference. This competency of the fund is an essential idea. The fulfilment of the object, as far as the uncertainty of human affairs will permit, ought to be superior to casualty.

The necessity of a reliance on auxiliary provisions, always precarious in those situations which affect the productiveness of the public revenues, ought to be, as far as practicable, superseded by the ample nature of the provision.

As to the second point: The intent is to secure, by all the sanctions of which the subject is susceptible, an inviolate application of the fund, according to its destination. No expedients more powerful can be devised for this purpose, than to clothe it with the character of private property, and to engage absolutely the faith of the Government, by making the application of it to the object, a part of the contract with the creditors.

But is this necessary?

Public Credit.

Its necessity rests on these cogent reasons: The inviolable application of an adequate Sinking Fund is the only practicable security against an excessive accumulation of Debt, and the essential basis of a permanent national credit.

Experience has shown, in countries the most attentive to the principles of credit, that a simple appropriation of the Sinking Fund is not a complete barrier against its being diverted, when immediate exigencies press. The causes which have been stated with another view, tempt the administrators of Government to lay hold of this resource rather than resort to new taxes. This indicates the utility of endeavoring to give, by additional sanctions, inviolability to the fund.

But, will those proposed answer the end?

They are the most efficacious that can be imagined, and they are likely to be entirely efficacious. They cannot be disregarded, without, by breach of faith and contract, destroying credit; and, at a juncture, too, when it is most indispensable. The emergencies which induce a diversion of the fund, are those in which loans, and, consequently, credit, are most needed.

But will it be safe to put the fund so entirely out of the command of the Government? May there not be situations in which the command of it may be requisite to the safety of the State?

This is not conceivable. The amount of the Sinking Fund will, in the situations which create extraordinary demands for money, be always inconsiderable, compared even with a single year's expenditure. The current revenues of a nation do not, in such cases, suffice. Plunder or credit must supply the deficiency. The first presupposes a subversion of all social order. The second will find its best support and greatest efficacy in adhering steadily to the principles of such a fund. An annuity of seven dollars will pay the interest upon, and discharge a capital of one hundred dollars, bearing six per cent. interest, in thirty-three and a third years, nearly. The situation of a country must be not a little exhausted, if it cannot create yearly, by new revenues, during the continuance of a foreign war, an annuity on the above scale, sufficient to fund the loans, of which it may stand in need. Ten millions of dollars will, with order and economy, maintain, in this country, an army of fifty thousand men, for a year. Viewing our geographical position, is there a prospect of any war expensive beyond this ratio? If not, an annuity of seven hundred thousand dollars, created each year of the war, would suffice. But it would be wise, in such an event, to carry taxation, in the first instance, to the full extent of the ability of the State, which would proportionably contract the necessity for borrowing, and consequently, the extent of the annuities necessary for loans.

If a nation can find embarrassment in creating the revenues requisite on this scale, it must arise from her having reached a stage when, from the neglect of the principle now inculcated, the mass of her Debt has become so enormous as to strain her faculties in order to make a provision for it.

The United States are in a situation altogether

different. An inspection of the list of their revenues discovers that they have a large field of resource unexplored. Their youth, and large tracts of unsettled lands, and lands in the infancy of improvement, assure them a great and rapid increase of means. Even their actual revenues, without additions, must, with the progress of the country, considerably increase. And, though war may interrupt, the temporary interruption being removed by the restoration of peace, their increasing productiveness, suspended for a time, must resume its vigor and growth. In a given number of years, a considerable augmentation is certain.

The Government of this country may, therefore, adopt, fearless of future embarrassment, a principle which, being adopted, will ultimately furnish resources for future exigencies, without an increase of burden to the community.

To explain this last idea: It will readily be perceived, that the funds pledged for paying the interest, and sinking the principal of a portion of the Debt existing or created at a particular time, will, within a certain period, extinguish that portion of Debt.

They will then be liberated, and will be ready for any future use, either to defray current expenditures, or be the basis of new loans, as circumstances may dictate. And, after a course of time, it is a reasonable presumption, that the funds, so successively liberated, will be adequate to new exigencies, as they occur.

Moreover, the last clause of the proposition authorizes the deriving aid from the Sinking Fund for new loans, whenever the state of the fund admits of it, consistently with the accomplishment of its purposes; that is, when it is sufficient—1st, to make good the payments on account of the principal of the Debt, as they accrue; 2d, to purchase in the market all that part of the Public Debts of which there is no stipulation of payment by instalment, (as the three per cent. stock) within a period of thirty years.

This, while it secures the extinction of the existing Debt, within a reasonable time, by preventing too great a proportion of the public revenue from being tied up by the Sinking Fund, gives due weight to the consideration of providing for future emergencies.

The same consideration has governed in proposing, (instead of the appropriation of a definite sum out of the revenue from imports and tonnage which, in certain years, will be greater than will be permanently necessary) that the sum to be applied out of that revenue shall be so much, from year to year, as, with the other items of the Sinking Fund, will suffice for the object. It has likewise influenced in postponing the redemption of that stock which stands to the credit of certain States, in consequence of the report of the Commissioners for settlement of accounts.

Every system of public credit must assume it as a fundamental principle, that the resources of the country are equal to its probable exigencies, and that it will possess ability to pay the debts which it contracts. If this be so, there is no cause to hesitate about the inviolable appropriation of funds to

Public Credit.

the extinction of an existing Debt, within no less a term than thirty years.

Indeed, as before intimated, it cannot be doubted that the resources of a credit, built upon a foundation so solid as that which is recommended, will more than replace, even in the earliest stages of our affairs, the use of the additional funds withdrawn from the command of the Government, to effect it, and, in the eventual operation will give a more abundant command of funds, than it can otherwise have. The successive liberation of the revenues, successively pledged, after accomplishing their object, will afford resources that may almost be said to be inexhaustible.

It should be recollected, too, that the public arrangements may, under a great pressure, anticipate the approaching period of such a liberation, by intermediate temporary loans, to be replaced by those funds when they are free.

This proposition exemplifies, as to the past, the nature of the maxim which has been supposed capable of giving immortality to credit, namely, that, with the creation of debt, should be incorporated the means of extinguishment; which means are two-fold: 1. The establishing, at the time of contracting a debt, funds for the reimbursement of the principal, as well as for the payment of interest within a determinate period. 2. The making it a part of the contract, that the fund, so established, shall be inviolably applied to the object.

It is believed that it would be happy for the United States, if Congress would adopt this principle as a rule in all future loans, never to be departed from; and a good evidence of this determination will be, to apply it to the past.

This would be, at the same time, an antidote against what may be pronounced the most plausible objections to the system of funding public debts; which are, that, by facilitating the means of supporting expense, they encourage to enterprises which produce it; and, by furnishing in credit a substitute for revenue, likely to be too freely used, to avoid the odium of laying new taxes, they occasion a tendency to run in debt. Though these objections to Funding Systems, which, giving the greatest possible energy to public credit, are a great source of national security, strength, and prosperity, are very similar to those which speculative men urge against national and individual opulence, drawn from its abuses; and though, perhaps, upon a careful analysis of facts, they would be found to have much less support in them than is imagined, attributing to those systems effects which are to be ascribed, more truly, to the passions of men, and perhaps to the genius of particular Governments; yet, as they are not wholly unfounded, it is desirable to guard, as far as possible, against the dangers which they suppose, without renouncing the advantages which these systems undoubtedly afford.

It will readily be seen, that the maxim of making concurrent provision for the principal as well as interest, in the act of contracting debt, if by precedent and habit, it can be rendered a rule

of administration, by implicating a greater portion of the revenue in every such operation than would be requisite for a mere provision for interest, will control proportionably the disposition to defer the burden to futurity, and create a greater necessity for circumspection in incurring expense.

It is, probably, the true expedient for uniting a due regard to the present accommodation of the community, with a due care not to overburden posterity—the full energy of public credit, with a salutary restraint upon the abuses of it.

To this explanation of the general principles of the fifth proposition, it may be proper to add some brief notes on particular parts of it.

It is proposed that the redemption of the present six per cent. stock shall commence on the 1st of January, 1796. This time of commencement is recommended by several reasons: 1. It ought to be such as to admit of sufficient notice to distant creditors. 2. It will favor order, to date the commencement of every new pecuniary operation, where there is an option, and no particular reason to the contrary, with the commencement of the natural year. 3. The moment of payment presupposes that the annuity to be paid has actually accrued, which will not be the case till the end of the present year. 4. The small delay, by not forcing the means, will facilitate the future execution.

It is a part of the plan to make provision for reimbursing the remaining instalments of the two million Loan, had of the Bank of the United States, pursuant to the act of incorporation. The preceding instalments have been reimbursed out of the proceeds of Foreign Loans. This resource cannot, in future, be relied upon; and, for such a purpose, it is not as eligible as a domestic one, though circumstances have hitherto dictated a recurrence to it. By making the dividends on the stock auxiliary for this purpose to the revenue from taxes, the object is effected with little more than half the sum from that revenue; and, in the end, a fund is formed from the dividends, which, with a small addition, suffices for the redemption of the deferred stock. As these instalments are yearly falling due, and must be, as they accrue, it is essential that a provision for them be contemplated in the general arrangement requisite to the completion of our system of credit. There is, perhaps, no easy alternative to what is proposed, except the sale of the stock. But, waiving other weighty considerations against such a measure, it is, in the view of a true economy, liable to the most solid objections.

It is morally certain, that the dividends on the stock will increase, and the value of the capital, from this and collateral causes, more than proportionably. There is no momentary urgency to induce the relinquishment of this future advantage. To sell at present, would be to abandon the difference without necessity. It cannot be expedient in a Government to part with a capital, which, at the time, produces as great or a greater revenue, than can be realized from the proceeds of a sale, however invested; and which

has an inherent tendency to future augmentation. The measure, too, would be to renounce, or lessen, a most convenient resource for forming the redeeming fund of the deferred stock.

It is proposed to carry the proceeds of the sales of the Western lands to the Sinking Fund. This is to execute the intention of the Funding Act, which has not organized the mode of application; and it has the advantage of combining, in one system, all the provisions for extinguishing the Debt.

It is proposed that all suppluses of revenue shall, at a certain time, be carried to the use of the Sinking Fund. This is to extend and give effect to a principle which has already received the Legislative sanction. It was necessary to fix a time when the appropriation of the surplus should become absolute, and that this should be consistent with a due opportunity to provide for the exigencies of the public service. Both these considerations have been consulted. This measure has, besides, reference to a more speedy redemption of the Debt than it appears prudent to attempt by an absolute appropriation of more extensive funds. And the legislators of to-day would be entitled to the lasting gratitude of their country, if they would extend this auxiliary resource, by all the means which are consistent with a due regard to the present accommodation of their constituents.

It is proposed to authorize the Commissioners of the Sinking Fund to provide, by new loans, for the reimbursement of the instalments which, from time to time, accrue. This is on the ground, that it is essential to the perfection of the system of redemption, that all the means of ultimate execution should be organized in it, and that there should be no need of future provisions.

The last clause of the proposition excepts, from the operation of that clause, the interest on the six per cent. stock. This is because that interest is destined to form the accumulations for paying the successive instalments of the principal of that stock, which increase each year in a ratio to the interest liberated by each payment.

The statement E exhibits the course of the Sinking Fund, as proposed to be established.

Remarks on the Sixth Proposition.

This will be a useful and important provision. It has reference to a circumstance repeatedly adverted to—the long credits given upon the principal branches of revenue; from which it happens, that, though the fund itself, or the product of the revenue, is more than adequate to an appropriation, yet the receipts upon it come too slowly into the Treasury to answer the end, without anticipation by temporary loans. Its propriety depends on the principle suggested under the last head, of having all the means of complete execution organized in the system of Public Credit.

Remarks on the Seventh Proposition.

It is a good rule of caution, that no more of the public revenues should be rendered permanent, than is necessary to give moral certainty to the

provisions which may be regarded as the pillars of Public Credit. This idea will, it is believed, be satisfied, by giving permanency to the now temporary duties on imports. Accordingly, it is only proposed to extend the duties, mentioned in this proposition, to the year 1800, and thence, to the end of the next ensuing session of Congress; which is on the ground, that they ought to be commensurate in duration with the objects which they are to accomplish, and no more.

It has been already noticed, that they are at present chargeable, together with the temporary duties on imports, laid in the last session, with an appropriation of 1,292,137 dollars and thirty-eight cents, and with the interest of one million of dollars, authorized to be borrowed with a view to foreign intercourse; having a special eye to an object very interesting to the commerce and feelings of the United States.

This business wants a further arrangement; standing at present, upon a vague and inefficient footing. The reimbursement of the Loan is not adequately provided for, neither is the interest, this being predicated on funds which, in their present form, would probably expire after a product of two years.

According to the fifth proposition, the temporary duties on imports, after the above mentioned appropriation of 1,292,137 dollars and thirty-eight cents shall have been satisfied, will become permanently charged with the interest on the Public Debt, the Sinking Fund, and the annual reservation of six hundred thousand dollars for the support of Government.

If the duties mentioned in the sixth proposition are continued till the first of January, 1800, and the reimbursement of the principal of the Loan, as well as the interest, is referred to them, two good purposes will be answered: the obtaining the Loan will be facilitated, and its complete reimbursement will be effected within the term allotted, without an augmentation of the permanent Debt of the country. This makes allowance for fulfilling the appropriation for the current service, already charged upon this fund.

It is presumed to be a conclusive reason in favor of the proposition, that it aims at preventing an increase of permanent Debt. If services of this kind, when the United States are at peace, (at least with civilized Powers) are made causes of permanent loans, the progress of new debt will easily exceed the extinction of old.

It appears desirable that there should be a steady effort, as a rule of administration, not to increase the permanent Debt of the country by permanent loans, except when it is inevitable, by the existence of a war with some European Power.

The comparative view of revenue and expenditure (statement F) establishes, satisfactorily, that these duties cannot be dispensed with, unless there be a substitute, if the redemption of the Public Debt is to be seriously entered upon; and it is believed that there cannot be devised objects of revenue more proper in themselves, nor more generally acceptable to the people. Whatever

Public Credit.

interested parties may allege, it seems self-evident that there can hardly be a reasonable question, except as to the best mode of collection. The objection, that part of them falls on manufactures, has no weight. The manufactures on which they fall are complete luxuries, and completely established; consequently, fit objects of revenue. The increased duties on the rival foreign articles, are a full protection to the manufacture. Whatever may be the appearances in the infancy of the tax, it is certain, in principle, that it will finally fall on the consumer, as generally as duties on imported commodities.

Remarks on the Eighth Proposition.

This is to terminate an embarrassment which has been experienced. Appropriations are frequently made for objects, the extent of which is not precisely known, or in a degree casual. To leave them indefinite, as to time, is sometimes to tie up, unnecessarily, a portion of the public funds, which may, ultimately, not be wanted at all for the purpose of the original appropriation.

It will do away this inconvenience, and promote perspicuity in the Treasury accounts of appropriations, if an ultimate period is fixed when each appropriation shall be deemed to have ceased. Should further appropriations appear necessary for the same objects, new estimates can be presented, and new appropriations made.

The designating an account with a denomination known in the laws, to which the surplusses are to be carried, will facilitate future Legislative dispositions of the resulting fund. It is, however, essential to the system of Public Credit, that this should be with the exceptions contained in the proposition.

Remarks on the Ninth Proposition.

This proposition is calculated to give simplicity to the public accounts of stock and revenue, which will conduce to correctness, despatch, and economy. As the revenues are manifestly more than adequate to the claims of all the creditors, they, none of them, have any interest in the distinctions which now exist, and which grew out of the course of the business, and the rights of none of them will be affected, because all who choose may continue on their former ground, by signifying their dissent to the present plan. It is however, presumed, there will be no such dissent.

Remarks on the Tenth Proposition.

It is important to the fiscal calculations, to ascertain, positively, the extent of every portion of the Public Debt. At present, the amount of these several items of it is deduced from accounts of the late war, of various officers and offices; in some instances, conducted with little order. There is not, therefore, sufficient certainty; indeed, it is probable, from the length of time that has elapsed without their appearing, that the computed amount exceeds the real.

Besides, they are, from their nature, subject to forgeries and counterfeits; which implies a danger of loss to the public, till their circulation is finally terminated. The proposition, accordingly,

besides the obtaining of better information, aims at obviating this danger.

Allowing for sufficient time for bringing them in to be exchanged for certificates of equivalent tenor, while it is a measure tending to public information and security, it can be liable to no reasonable objection on the part of the creditors.

The Secretary of the Treasury has reserved for the conclusion of this report, a proposition which appears to him of great importance to the Public Credit, and which, after some preliminary observations, will be offered to consideration. It relates to the right of taxing the Public Funds, and to that of sequestering them in time of war.

A proposition on either of those points, would have been deemed superfluous, had there never been discussions asserting a right to do the one and the other, and even the expediency of exercising that right. The negative of both the pretensions, from the habit of regarding it as incapable of being disputed, had acquired, in the mind of the Secretary, so much the force of an axiom, as to have precluded even the mention of the subject in the plan which he originally submitted for funding the Public Debt. He should, otherwise, have thought it an indispensable duty to suggest, as a matter of primary consequence to the system of credit contemplated in the plan, the express renunciation of those pretensions; for they are (as he believes) not only unwarranted by principle or usage, but subversive of the sound maxims of Public Credit. A persuasion that this would always be a truth granted in the councils of the United States, is his apology for the omission.

Even now he should think it useless to depart from his silence on the point, had not the discussions alluded to, created some alarm in places where all the circumstances are not well understood, which it is the interest of the country to dispel. The confidence justly to be reposed in the collective wisdom of this Government, forbids the supposition, by one acquainted with its Constitution, that the security of the creditor can need, in this particular, a further sanction. It is presumed to be impossible, that any final act can ever give so deep a wound to the national interest and character, as to derogate from a principle which may be placed among the most sacred in the administration of a Government.

Is there a right in the Government to tax its own funds?

The pretence of this right is deduced from the general right of the Legislative power to make all the property of the State contributory to its exigencies.

But this right is obviously liable to be restricted by the engagements of the Government; it cannot be justly exercised in contravention of them; they must form an exception. It will not be denied, that the general right in question, could, and would, be abridged, by an express promise not to tax the funds. This promise, indeed, has not been given in terms, but it has been given in substance. When an individual lends money to the State, the State stipulates to repay

him the principal lent, with a certain interest, or to pay a certain interest, indefinitely, till the principal is reimbursed; or, it stipulates something equivalent, in another form. In our case, the stipulation is in the second form.

To tax the funds, is manifestly either to take, or to keep back, a portion of the principal or interest stipulated to be paid.

To do this, on whatever pretext, is not to do what is expressly promised; it is not to pay that precise principal, or that precise interest, which has been engaged to be paid; it is, therefore, to violate the promise given to the lender.

But, is not the stipulation to the lender, with a tacit reservation of the general right of the Legislature to raise contributions on the property of the State?

This cannot be supposed—because it involves two contradictory things: an obligation to do, and a right not to do. An obligation to pay a certain sum, and a right to retain it in the shape of a tax. It is against the rules, both of law and reason, to admit, by implication, in the construction of a contract, a principle which goes in destruction of it.

The Government, by such a construction, would be made to say to the lender: "I want a sum of money, for a national purpose, which all the citizens ought to contribute proportionably, but it will be more convenient to them, and to me, to borrow the money of you. If you will lend it, I promise you faithfully, to allow you a certain rate of interest, while I keep the money, and to reimburse the principal within a determinate period, except so much of the one and the other, as I may think fit to withhold, in the shape of a tax."

Is such a construction either natural or rational? Does it not, in fact, nullify the promise by the reservation of a right not to perform it?

Is it to be presumed, without being expressed, that such can be the understanding of a lender, when he parts with his money to a Government?

The contrary is so much the more presumable, that nothing short of an express reservation can support the pretension to tax the fund.

It may be replied, that the creditor might be willing to rely upon the equity of the Government, not to abuse its right, by exacting from him excessive contributions.

This, if true, does not obviate the difficulty of supposing the co-existence of an obligation and a right, destructive the one of the other, in interpreting the sense of a contract, when nothing of the kind is said.

It is possible that a creditor might be willing so to contract; yet it is still necessary, in order to determine that he has done it, to find some provisions or expressions in the contract, indicating the intention, to render what is stipulated compatible with what is reserved. But it is not probable that an individual would be willing to lend upon such terms. He would justly apprehend, that, in great emergencies, a right, having no limit but the opinion of the party possessed of the power, would be abused, and that the convenience of laying hold of a fund already prepared and at hand, supported by a claim of right, would be a tempta-

tion to abuse, not easy to be resisted. However well disposed to contribute, in common with his fellow-citizens, on all the ordinary objects of property or income, he would be unwilling to subject himself to a special burden, in the peculiar character of creditor of the State. He would prefer to employ his money in other ways; even to lend it to private persons, where it might be more likely to escape the hand of the fiscal power.

Let the question be tried by another analysis.

Public Debt can scarcely, in legal phrase, be defined either property in possession or in action. It is evidently not the first, till it is reduced to possession by payment. To be the second, would suppose a legal power to compel payment by suit. Does such a power exist? The true definition of Public Debt is a property subsisting in the faith of the Government. Its essence is promise. Its definite value depends upon the reliance that the promise will be definitely fulfilled. Can the Government rightfully tax its promises? Can it put its faith under contribution? Where or what is the value of the Debt if such a right exist?

Suppose the Government to contract with an individual to convey to him a hundred acres of land, upon the condition of paying a hundred dollars. When he came to pay the hundred dollars and demand his title, could the Government require of him to pay fifty more as a tax upon the land, before it would consent to give him the title? Who would not pronounce this to be a breach of contract—a fraud—which nothing could disguise?

This case is parallel with that under examination, with circumstances that fortify the right of the lending creditor.

The Government agrees with him, that, for one hundred dollars, which he delivers to the Government, it will deliver to him, at the end of each year, six dollars. Here the six dollars to be delivered answer to the land to be conveyed, with this stronger ground of right, that the consideration for them has actually been given and received. Yet, when the creditor comes to demand his six dollars, he is told that he cannot have them, except with the reservation of one dollar as a tax upon the six, or that he cannot have them, except upon the condition of returning one dollar as that tax. What is this but to say, that his title to the money in this case, as to the land in the other, must depend upon his paying, or allowing a further consideration for it, not contemplated in the contract? Can there be a doubt that this, also, would be a breach of contract—a fraud?

The true rule of every case of property, founded on contract with the Government, is this: It must first be reduced into possession, and then it will become subject, in common with other similar property, to the right of the Government to raise contributions upon it. It may be said, that the Government may fulfil this principle, by paying the interest with one hand, and taking back the amount of the tax with the other. But to this, the answer is, that, to comply truly with the rule, the tax must be upon all the money of the community, not upon the particular portion of it which is paid to the public creditors; and it ought, besides, to be so reg-

ulated, as not to include a lien of the tax upon the fund. The creditor should be no otherwise acted upon, than as every other possessor of money; and consequently, the money he receives from the public, can then only be a fit subject of taxation when it is entirely separated, and thrown, undistinguished, into the common mass. A different practice would amount to an evasion of the principle contended for, and to oppression. A rent, or annuity, liable before it passes, or in the act of passing, or at the moment of passing from one proprietor to another, to a deduction, or drawback, at the pleasure of the party from whom it is to pass, is an imaginary thing, destitute both of shape and substance.

When a Government enters into contract with an individual, it deposes as to the matter of the contract, its Constitutional authority, and exchanges the character of legislator for that of a moral agent, with the same rights and obligations as an individual. Its promises may be justly considered as excepted out of its power to legislate, unless in aid of them. It is, in theory, impossible to reconcile the two ideas of a promise which obliges with a power to make a law which can vary the effect of it. This is the great principle that governs the question, and abridges the general right of the Government to lay taxes, excepting out of it a species of property which subsists only in its promise.

There are persons who, admitting the general rule, conceive a distinction to exist between a tax upon the funds, which must be paid at all events, and a tax upon alienations of them, which will only be paid when they are transferred from one to another. The latter they think justifiable, because it is in the option of the creditor to avoid the tax, by avoiding the alienation. But the difference between the two cases is only a difference in the degree of violation.

The stock, in its creation, is made transferable. This quality constitutes a material part of its value, and the existence of it is a part of the contract with the Government, which has undertaken, itself, to conduct the operation of transferring by its own officers, and consequently at its own expense. It is as completely a breach of contract to derogate from this quality, in diminution of the value of stock, by encumbering the transfer with a charge or tax, as it is to take back, in the same shape, a portion of the principal or interest. It is obvious, too, that this may be carried so far as essentially to destroy the transferable capacity. But what is a tax upon transfers, other than the faculty of taking away from the actual proprietor of stock a portion of his principal, whenever his interests or his necessities demand a transfer, in derogation from the full enjoyment of the right to transfer, and from the express promise of the Government to pay to him or his assignee? For it is upon the seller, not upon the buyer, that such a tax will fall. And where is the substantial difference, on the ground of contract, between this and a direct tax upon the fund itself? The value of it is as certainly impaired by the one as by the other.

But shall the proprietor of money in the funds, then, be exempt from his proportion of the burdens which other citizens bear?

This will not be the consequence of the principle. As a consumer, of which his income is the instrument, he will pay his proportion of the taxes on consumption. As a holder of any other species of property procured by that income, or otherwise, which is liable to a tax, he must also contribute his proportion.

But, without undue refinement, the lender of money to the public may be affirmed to have paid his tax when he lends his money.

Relying upon the engagement of the Government, express or implied, that he will receive what is promised him, without defalcation, he is content with a less interest than he would take if subject to any such defalcation, and especially if it was to be arbitrary as to its extent. In this lower rate of interest he may be truly said to pay his tax or to purchase an exemption from it.

Here, also, we find what is decisive on the point of expediency.

If the Government had a right to tax its funds, the exercise of that right would cost much more than it was worth. The money-lender would exact exorbitant premiums, not only as an indemnification for the use which the Government might probably make of its right, and which, in practice, would be likely to be qualified by some regard to equality of contribution, but as an equivalent for insurance against the risk or possibility of a more extensive use. Hence the Government would be likely to pay much more in premiums upon its Loans, than it would draw back in taxes; and the former being supposed but equal to the latter, there would be no advantage in exercising the right.

But it will be, perhaps, more safe to affirm, that there would be no borrowing at all upon such terms. The first precedent of a tax upon the funds might be expected to compel the Government to an express renunciation of the right in every future Loan. Solid capitalists would not be much inclined to adventure their money upon so precarious a footing as is implied in a power of taxing their credits.

These reflections lead readily to an estimate of the impressions which would be produced by the example of an imposition on the funds. Regarded either as a positive breach of contract, or as a deviation from the sound maxims of credit, the effect upon it would be nearly equally fatal. Whatever might be excused to a time of revolution, to a defect of means, or to some extraordinary peculiarity of situation, no excuse would be admitted for a deliberate departure from principles, at a time, too, of national prosperity, in a flourishing state of the finances, after the foundations of a regular system had been laid. The departure would argue an incorrectness, an instability, or a depravity of views, calculated to give a lasting shock to Public Credit.

The United States must, henceforth, tread with the most cautious steps.

A renunciation of the right, in future, might not speedily heal the wound which an example of its exercise had given. Durable suspicion might fasten on the wisdom or the integrity of the

Public Credit.

Government, which might occasion to it no inconsiderable loss and embarrassment, before a course of contrary experience would obliterate them.

The right of a Government to sequester or confiscate property, in its funds, in time of war, involves considerations analogous to those which regard the right of taxing them. Whether the foreigner be, himself, the original lender, or the proprietor of stock, in its constitution transferable without discrimination, he stands upon equal ground with the citizen. He has an equal claim upon the faith of the Government.

In the second case, as the substitute of the original lender, the promise made attaches immediately upon him. Indeed, the certificates which issue upon every transfer, and which may be called the public bonds, designate him as the creditor, and expressly invest him with the correspondent rights.

To sequester or confiscate the stock, is as effectually a breach of the contract to pay, as to absorb it by a tax. It is to annihilate the promise, under the sanction of which the foreigner became a proprietor.

But, does not the general right of war, to seize and confiscate enemy property, extend to the property of the citizens of one nation in the funds of another—the two nations being at war with each other?

Resorting to principle as the guide, this question may, on solid grounds, be answered in the negative.

The right to seize and confiscate individual property, in national wars, excludes all those cases where the individual derives his title from the enemy sovereign or nation: for the right to property always implies the right to be protected and secured in the enjoyment of that property; and a nation, by the very act of permitting the citizen of a foreign country to acquire property within its territory, whether to lands, funds, or to any other thing, tacitly engages to give protection and security to that property, and to allow him as full enjoyment of it as any other proprietor—an engagement which no state of things between the two nations can justly or reasonably affect. Though politically right, that, in wars between nations, the property of private persons, which depend on the laws of their own country, or on circumstances foreign to the nation with which their own is at war, should be subject to seizure and confiscation by the enemy nation; yet it is both politically and morally wrong, that this should extend to property acquired under the faith of the Government, and the laws of that enemy nation.

When the Government enters into a contract with the citizen of a foreign country, it considers him as an individual in a state of nature, and contracts with him as such. It does not contract with him as the member of another society.

The contracts, therefore, with him, cannot be affected by his political relations to that society. War, whatever right it may give over his other property, can give none over that which he derives from those contracts. The character in which they are made with him, the faith pledged to him personally, virtually exempt it.

This principle, which seems critically correct,

would exempt as well the income as the capital of the property. It protects the use as effectually as the thing. What, in fact, is property, but a fiction, without the beneficial use of it? In many cases, indeed, the income or annuity is the property itself. And, though general usage may control the principle, it can only be as far as the usage clearly goes. It must not be extended by analogy.

Some of the most approved publicists, admitting the principle, qualify it with regard to the income of lands, which they say may be sequestered "to hinder the remittance of it to the enemy's country."

But the same authority affirms, that a State at war "does not so much as touch the sums which it owes to the enemy. Everywhere, in case of a war, funds credited to the public, are exempt from confiscation and seizure." These expressions clearly exclude sequestration as well as confiscation.

The former, no less than the latter, would be inconsistent with the declaration that a State at war does not so much as touch the sums which it owes to the enemy, and that funds credited to the public are exempt from seizure. And, on full inquiry, it is believed that the suggestion, thus understood, is founded in fact.

Usage, then, however it may deviate in other particulars, in respect to public funds, concurs with principle in pronouncing, that they cannot rightfully be sequestered in time of war.

The usages of war still savor too much of the ferocious maxims of the times when war was the chief occupation of man. Enlightened reason would never have pronounced, that the persons or property of foreigners, found in a country at the breaking out of a war between that country and their own, were liable to any of the rigors which a state of war authorizes against the persons and goods of an enemy. It would have decreed to them an inviolable sanctuary in the faith of those permissions and those laws, by which themselves and their property had come under the jurisdiction where they were found. It would have rejected the treachery of converting the indulgences and even rights of a previous state of amity, into snares for innocent individuals.

Happily, however, the practice of latter times has left several of those maxims little more than points of obsolete doctrine. They still retain their rank in theory; but usage has introduced so many qualifications, as nearly to destroy their operation.

This appears from the acknowledgment of writers, from the barrenness of modern history in examples of the application of those doctrines, from the opinions known to be generally current in Europe, and from a variety of articles which are constant formulas in treaties of the present century.

The United States are every way interested in the mitigation of the rigor of the ancient maxims of war. They cannot better demonstrate their wisdom, than by their moderation in this respect. Particularly interested in maintaining, in their greatest purity and energy, the principles of credit, they cannot too strictly adhere to all the relaxations of those maxims which favor the rights of creditors. No temporary advantage can compensate for the evils of a different course of conduct.

Public Credit.

Credit, public and private, is of the greatest consequence to every country. Of this, it might be emphatically called the invigorating principle. No well informed man can cast a retrospective eye over the progress of the United States, from their infancy to the present period, without being convinced that they owe, in a great degree, to the fostering influence of credit, their present mature growth. This credit has been of a mixed nature, mercantile and public, foreign and domestic. Credit abroad was the trunk of our mercantile credit, from which issued ramifications that nourished all the parts of domestic labor and industry. The bills of credit emitted, from time to time, by the different local Governments, which passed current as money, co-operated with that resource. Their united force, quickening the energies and bringing into action the capacities for improvement of a new country, was highly instrumental in accelerating its growth.

Credit, too, animated and supported by the general zeal, had a great share in accomplishing, without such violent expedients, as, generating universal distress, would have endangered the issue, that Revolution, of which we are so justly proud, and to which we are so greatly indebted.

Credit, likewise, may, no doubt, claim a principal agency in that increase of national and individual welfare since the establishment of the present Government, which is so generally felt and acknowledged, though the true causes of it are not as generally understood. It is the constant auxiliary of almost every public operation; has been an indispensable one in those measures by which our frontiers have been defended; and it would not be difficult to demonstrate, that, in a recent and delicate instance, has materially contributed to the safety of the State.

There can be no time, no state of things, in which credit is not essential to a nation, especially as long as nations in general continue to use it as a resource in war. It is impossible for a country to contend, on equal terms, or to be secure, against the enterprises of other nations, without being able equally with them to avail itself of this important resource; and to a young country, with moderate pecuniary capital, and not a very various industry, it is still more necessary than to countries more advanced in both. A truth not less weighty for being obvious and frequently noticed.

Public credit has been well defined to be, "a faculty to borrow, at pleasure, considerable sums on moderate terms; the art of distributing, over a succession of years, the extraordinary efforts, found indispensable in one; a mean of accelerating the prompt employment of all the abilities of a nation, and even of disposing of a part of the overplus of others."

This just and ingenious definition condenses to a point the principal arguments in favor of public credit, and displays its immense importance.

Let any man consult the actual course of our pecuniary operations, and let him then say whether credit be not eminently useful. Let him imagine the expense of a single campaign in a war with a great European Power; and let him then

pronounce whether credit would not be indispensable. Let him decide whether it would be practicable, at all, to raise the necessary sum by taxes within the year, and let him judge what would be the degree of distress and oppression, which the attempt would occasion to the community. He cannot but conclude, that war, without credit, would be more than a great calamity—would be ruin.

But credit is not only one of the main pillars of the public safety; it is among the principal engines of useful enterprise and internal improvement. As a substitute for capital, it is little less useful than gold or silver, in agriculture, in commerce, in the manufacturing and mechanic arts.

The proof of this needs no labored deduction. It is matter of daily experience in the most familiar pursuits. One man wishes to take up and cultivate a piece of land; he purchases upon credit, and, in time, pays the purchase money out of the produce of the soil improved by his labor. Another sets up in trade; in the credit founded upon a fair character, he seeks, and often finds, the means of becoming, at length, a wealthy merchant. A third commences business as manufacturer or mechanic, with skill, but without money. It is by credit, that he is enabled to procure the tools, the materials, and even the subsistence of which he stands in need, until his industry has supplied him with capital; and, even then, he derives, from an established and increased credit, the means of extending his undertakings.

Among the circumstances which recommend credit, and indicate its importance in the whole system of internal exertion and amelioration, it is impossible to pass, unnoticed, its unquestionable tendency to moderate the rate of interest—a circumstance of infinite value in all the operations of labor and industry.

If the individual capital of this country has become more adequate to its exigencies than formerly, it is because individuals have found new resources in the Public Credit—in the funds to which that has given value and activity. Let Public Credit be prostrated, and the deficiency will be greater than before. Public and Private Credit are closely allied, if not inseparable. There is, perhaps, no example of the one being in a flourishing, where the other was in a bad, state. A shock to Public Credit, would, therefore, not only take away the additional means which it has furnished, but, by the derangements, disorders, distracts, and false principles, which it would engender and disseminate, would diminish the antecedent resources of Private Credit.

The United States possess an immense mass of improvable matter; the development of it, continually making, may be said to enlarge the field of improvement as it progresses; and, though the active capital of the country has, no doubt, considerably increased, it is probable that it does not bear, at present, a much greater proportion to the objects of employment than it has done at any former period. Credit, upon this hypothesis, of every kind, is nearly as necessary to us now, as it ever was. But, at least, it may be affirmed, with

Public Credit.

absolute certainty, that, to a country so situated, credit is peculiarly useful and important.

If the United States observe, with delicate caution, the maxims of credit, as well towards foreigners as their own citizens, in connexion with the general principles of an upright, stable, and systematic administration, the strong attractions which they present to foreign capital will be likely to insure them the command of as much as they may want, in addition to their own, for every species of internal amelioration.

Can it be doubted, that they would derive from this, in a course of time, advantages incomparably greater than any, however tempting, that could partially result from a disregard of those maxims, or from the exercise of a questionable right, which should even appear to derogate from them?

Credit is an entire thing. Every part of it has the nicest sympathy with every other part; wound one limb, and the whole tree shrinks and decays.

The security of each creditor is inseparable from the security of all creditors. The boundary between foreigner and citizen would not be deemed a sufficient barrier against extending the precedent of an invasion of the rights of the former to the latter. The most judicious and cautious would be most apt to reason thus, and would only look for stronger shades of apparent necessity or expediency to govern the extension. And, in affairs of credit, the opinions of the judicious and cautious may be expected to prevail. Hence the Government, by sequestering the property of foreign citizens in the public funds, at the commencement of a war, would impair, at least, if not destroy, that credit which is the best resource in war.

It is in vain to attempt to disparage credit, by objecting to its abuses. What is there not liable to abuse or misuse? The precious metals, those great springs of labor and industry, are also the ministers of extravagance, luxury, and corruption. Commerce, the nurse of agriculture and manufactures, if overdriven, leads to bankruptcy and distress. A fertile soil, the principal source of human comfort, not unfrequently begets indolence and effeminacy. Even liberty itself, degenerating

into licentiousness, produces a frightful complication of ills, and works its own destruction.

It is wisdom, in every case, to cherish whatever is useful, and guard against its abuse. It will be the truest policy of the United States, to give all possible energy to Public Credit, by a firm adherence to its strictest maxims; and yet, to avoid the ills of an excessive employment of it, by true economy and system in the public expenditures; by steadily cultivating peace; and by using sincere, efficient, and persevering endeavors to diminish present debts, prevent the accumulation of new, and secure the discharge, within a reasonable period, of such as it may be, at any time, matter of necessity to contract. It will be wise to cultivate and foster Private Credit, by an exemplary observance of the principles of Public Credit, and to guard against the misuse of the former, by a speedy and vigorous administration of justice, and by taking away every temptation to run in debt, founded in the hope of evading the just claims of creditors.

As an honorable evidence of this disposition, and with a view to quiet the alarms which have been excited, and to silence, forever, a question which can never be agitated without serious inconvenience, the Secretary of the Treasury, in the last place, respectfully submits:

That there be an express renunciation, by law, of all pretension of right to tax the public funds, or to sequester, at any time, or on any pretext, the property which foreign citizens may hold therein.

This will be particularly essential to the success of the plan for converting the foreign into domestic debt; as the present contracts for the Amsterdam and Antwerp debt contain an equivalent stipulation, and there is no prospect that the creditors would consent to a change, but upon the condition of a like stipulation.

In the commencement of this report, it was the intention to submit some propositions for the improvement of the several branches of the public revenue; but it is deemed advisable to reserve this part of the subject for a future communication.

All which is respectfully submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Public Credit.

A.—Statement of the Domestic Debt of the United States on December 31, 1794.

Description of Debts.	Amount of principal of unliquidated Debt.	Six per cent. stock.	Deferred stock.	Three per cent. stock.	Total amount.
Funded Domestic Debt, exclusive of balance due to creditor States, and the amount of said stock which had been purchased or redeemed on the last day of December, 1794	—	\$17,912,138 01	\$8,538,228 97	\$12,275,347 55	\$38,725,714 53
Funded Domestic Debt, to the credit of States, in pursuance of the act of Congress of May 31, 1794	—	2,345,056 00	1,172,528 00	703,516 80	4,221,100 80
Funded Domestic Debt, purchased and redeemed to the last of December, 1794	—	668,700 38	752,190 64	415,415 66	1,836,306 68
Total of Funded Domestic Debt	—	20,925,894 39	10,462,947 61	13,394,280 01	
Funded Assumed Debt, exclusive of what had been purchased or redeemed on the last day of December, 1794	—	7,908,374 19	3,940,808 96	5,994,115 70	17,843,098 85
Funded Assumed Debt, which had been purchased or redeemed on the last day of December, 1794	—	212,482 04	119,808 88	96,444 97	428,715 89
Total of Funded Assumed Debt	—	8,120,856 23	4,060,417 84	6,090,560 67	
Total of Funded Domestic Debt on the last day of December, 1794	—	29,046,730 62	14,523,365 45	19,484,840 68	63,054,936 75
Debt due to foreign officers, for the payment of which provision has been made, and which will pass to the credit of the Sinking Fund:					
Principal, being					
Interest from January 1, 1788, to December 31, 1790	—	186,988 23	—	22,438 58	209,426 81
Registered Debt, on the books of the Treasury, on which dividends have been made	\$167,816 40	111,877 60	55,338 80	30,806 95	198,023 35
Do on which no dividends have been made	42,231 69	28,154 46	14,077 23	17,737 81	59,969 00
Do on the books of Loan officers	4,394 85	2,929 90	1,464 95	2,083 35	6,434 20
Credit on the books of the Treasury	44,920 95	29,947 30	14,973 65	11,925 84	56,846 59
Loan Office certificates, bearing interest on a capital of \$43,500, the specie value being no more than	27,985 00	18,623 34	9,311 66	7,830 00	33,765 00
Loan Office certificates, bearing interest on the specie value	305,859 51	203,906 34	101,953 17	55,054 71	366,914 22
Final settlement certificates, payable to bearer, of all kinds	126,091 00	84,060 67	42,030 33	22,696 38	148,737 38
Indents of interest of all kinds	83,805 00	—	—	83,805 00	83,805 00
Unliquidated claims, as estimated	381,269 00	254,179 34	127,089 66	228,761 40	610,030 40
Estimated amount of the Domestic Debt, at the close of 1794, and of the stock which will be produced when the whole Debt has been funded	1,184,323 40	29,967,397 80	14,890,204 90	19,907,936 00	64,825,538 70

COMPTROLLER'S OFFICE, January 9, 1795.

OLIVER WOLCOTT, Jr., Comptroller.

Public Credit.

B.—The Government of France, in account current of principal with the United States.

Dr.		Epoch of September 3, 1794.		Livres.	S.	D.
To balance due the United States at the close of the year 1793, exceeding the interest and instalments then due	-	-	-	2,109,974	18	2
To payments made at the Treasury to May 15, viz:						
April 2	-	-	\$350			
May 15	-	-	20,000			
			<u>\$20,350</u>	at 1815,	112,121	4 2
To payments at the Treasury on May 20 and June 4, viz:						
May 20	-	-	622 81			
June 4	-	-	50,270 00			
			<u>50,892 81</u>	at 1815,	280,401	3 1
To payments at the Treasury, from September 3 to October 30, 1794, at interest from September 3, when the whole sum was subject to the order of the French Minister, \$272,250, at 1815	-	-	-	1,500,000	0	0
				<u>4,002,497</u>	<u>5</u>	<u>5</u>

Cr.		Epoch of September 3, 1794.		Livres.	S.	D.
By the eighth instalment, due on September 3, 1794, of the Loan of eighteen millions	-	-	-	1,500,000	0	0
By account of interest: for a balance of interest due on the 3d of September, on the remaining part of the Loan of eighteen millions	-	-	-	308,406	4	11
Balance due to the United States on September 3, 1794, arising from payments exceeding the interest and instalments demandable by France to that period	-	-	-	2,199,091	0	6
				<u>4,002,497</u>	<u>5</u>	<u>5</u>

Dr.		Epoch of November 4, 1794.		Livres.	S.	D.
To balance due to the United States on September 3, 1794, brought down	-	-	-	2,199,091	0	6
To payments at the Treasury, from November 4 to 13th, 1794, to be at interest from November 4, when the whole sum was subject to the order of the French Minister, \$181,500, at 1815	-	-	-	1,000,000	0	0
				<u>3,199,091</u>	<u>0</u>	<u>6</u>

Cr.		Epoch of November 4, 1794.		Livres.	S.	D.
By the eighth instalment, due on November 4, 1794, of the Loan of ten millions	-	-	-	1,000,000	0	0
By account of interest, for a balance of interest due on the 4th of November, on the remaining part of the Loan of ten millions	-	-	-	102,751	16	0
Balance due to the United States on November 4, 1794, arising from payments exceeding the interest and instalments then demandable by France	-	-	-	2,096,339	4	6
				<u>3,199,091</u>	<u>0</u>	<u>6</u>

Dr.		Epoch of December 31, 1794.		Livres.	S.	D.
To balance due to the United States on November 4, 1794, brought down	-	-	-	2,096,339	4	6

Cr.		Epoch of December 31, 1794.		Livres.	S.	D.
By account of interest, for a balance of interest due on the 31st of December, on the remaining part of the Loan of six millions	-	-	-	284,379	16	8
Balance due to the United States on December 31, 1794, arising from payments exceeding the interest and instalments demandable by France to that period	-	-	-	1,811,959	7	10
				<u>2,096,339</u>	<u>4</u>	<u>6</u>
To balance due to the United States on December 31, 1794, brought down	-	-	-	1,811,959	7	10

Dr.		Epoch of September 3, 1794.		Livres.	S.	D.
To interest on the balance due to the United States at the close of the year 1793, being 2,109,974 livres, 18 sous, and 2 deniers, from January 1, 1794, to September 3 following, is eight months and two days, at 4.706 per cent. per annum, being an average of the interest payable on the French Loans, when obtained	-	-	-	66,748	11	6
To interest on 112,121 livres, 4 sous, 2 deniers, being payments at the Treasury to May	-	-	-			

Public Credit.

15, 1794—from May 15 to September 3, is three months and eighteen days, at 4.706 per cent per annum	Livres. S. D.
To interest on 280,401 livres, 3 sous, 1 denier, being payments at the Treasury on May 20 and June 4, 1794—from June 4 to September 3 is two months and twenty-nine days, at 4.706 per cent. per annum	1,582 18 5
To account of principal for the balance of this account	3,262 5 2
	303,406 4 11
	<u>375,000 0 0</u>

CR. *Epoch of September 3, 1794.*

By interest due on September 2, 1774, on 7,500,000, remaining of the Loan of 18,000,000, at 5 per cent. per annum, one year	375,000 0 0
---	-------------

DR. *Epoch of November 4, 1794.*

To interest on the balance of principal due to the United States on September 3, 1794, being 2,199,091 livres, 0 sous, 6 deniers, from 3d September to November 4, 1794, is two months, at 4.706 per cent. per annum	17,248 4 0
To account of principal for balance of this account	102,751 16 0
	<u>120,000 0 0</u>

CA. *Epoch of November 4, 1794.*

By interest due on November 4, 1794, on 3,000,000, remaining to that period, of the Loan of 10,000,000, at 4 per cent per annum	120,000 0 0
---	-------------

DR. *Epoch of December 31, 1794.*

To interest on the balance of principal due to the United States on November 4, 1794, being 2,096,339 livres, 4 sous, 6 deniers, from November 4 to December 31, 1794, is one month and twenty-seven days, at 4.706 per cent per annum	15,620 3 8
To account of principal for balance of this account	284,379 16 0
	<u>300,000 0 0</u>

CR. *Epoch of December 31, 1794.*

By interest due on December 31, 1794, on the Loan of 6,000,000, at 5 per cent. per annum	300,000 0 0
--	-------------

RESULT ON JANUARY 1, 1795.

The Government of France in account current with the United States, on January 1, 1795.

DR.

To balance due to the United States on January 1, 1795, arising from payments exceeding the interest and instalments demandable by France to that period	Livres. S. D.
Balance due to the French Government on 1st January, 1795, exclusive of interest on Loans, per credit	1,811,959 7 10
	-12,188,040 12 2
	<u>14,000,000 0 0</u>

CR.

By four instalments of 1,500,000 livres each, on the Loan of 18,000,000, which will be due on the 2d of September, in the years 1796, 1797, and 1798, bearing interest from September 3, 1794, at 5 per cent per annum	6,000,000 0 0
By two instalments of 1,000,000 livres each, on the Loan of 10,000,000, which will be due on the 4th of November, in the years 1795, and 1796, bearing interest from the 4th of November, 1794, at 4 per cent. per annum	2,000,000 0 0
By six instalments, of 1,000,000 livres each, on the Loan of 6,000,000, which will be due in the years 1797, 1798, 1799, 1800, 1801, and 1802, bearing interest from January 1, 1795, at 5 per cent per annum	6,000,000 0 0
	<u>14,000,000 0 0</u>

OLIVER WOLCOTT, Jr, *Comptroller.*

COMPTROLLER'S OFFICE, *January 6, 1795.*

Public Credit.

C and D.—Statement of interest payable in the year 1794, on Loans effected for account of the United States, at Amsterdam and Antwerp.

Gullders.	Gullders.	Description of Loans.	Gullders s. s.	Rate of exchange per guilder.	Amount in dollars and cents.
		<i>Five per cent. Loans effected at Amsterdam.</i>			
On 4,000,000	-	Of the Loan of 5,000,000, per contracts dated June 11, 1782, at interest from June 1, 1793, to June 1, 1794	200,000 00 00		
On 1,000,000	-	Per contract, dated June 1, 1787, at interest for the same period	50,000 00 00		
On 1,000,000	-	Per contract, dated March 13, 1783, at interest for the same period	50,000 00 00		
	6,000,000	Effected under the late Government.			
On 3,000,000	-	Per contract, dated February 1, 1790, at interest from February 1, 1793, to February 1, 1794	150,000 00 00		
On 2,500,000	-	Per contract, dated March 2, 1791, at interest from March 1, 1793, to March 1, 1794	125,000 00 00		
On 6,000,000	-	Per contract, dated December 14, 1791, at interest, from September 1, 1793, to September 1, 1794	300,000 00 00		
On 1,000,000	-	Being a reloan of the first instalment due on June 1, 1793, on the Loan of 5,000,000, per contracts of June 11, 1782, at interest from June 1, 1793, to June 1, 1794	50,000 00 00		
	12,500,000	Effected under the present Government.			
		<i>Four per cent. Loans effected at Amsterdam.</i>			
On 2,000,000	-	Per contract, dated March 9, 1784, at interest from February 1, 1793, to February 1, 1794	80,000 00 00		
	2,000,000	Effected under the late Government.			
On 3,000,000	-	Per contract, dated December 24, 1791, at interest from January 1, 1793, to January 1, 1794	120,000 00 00		
On 2,950,000	-	Of a Loan of 3,000,000, per contract of August 9, 1792, at interest from June 1, 1793, to June 1, 1794	118,000 00 00		
	5,950,000	Effected under the present Government.			
		<i>Four-and-a-half per cent. Loan effected at Antwerp.</i>			
On 2,050,000	-	Of a Loan of 3,000,000, per contract dated November 30, 1791, from December 1, 1793, to December 1, 1794. Of this Loan, 950,000 have been suppressed	92,250 00 00		
	2,050,000	Effected under the present Government.			
	28,500,000	Commission on payment of interest, at one per cent.	1,335,250 00 00	at 40 cents	534,100 00
		Amount, exclusive of postage, expenses for advertising, &c.	13,352 10 00	do	5,341 00
			1,348,602 10 00	or dollars	539,441 00

Public Credit.

Guilders.	Guilders.	Description of Loans.	Amount re- ceived.	Amount of Loans at the same interest.
<i>Five per cent. Loans effected at Amsterdam.</i>				
3,000,000	-	Of the Loan of 5,000,000, per contracts of June 11, 1782, at interest from June 1, 1794	-	Guilders.
1,000,000	-	Per contract of June 1, 1787, at interest from June 1, 1794	-	3,000,000
1,000,000	-	Per contract of March 13, 1788, at interest from June 1, 1794	-	1,000,000
5,000,000	-	Effected under the late Government.	-	1,000,000
3,000,000	-	Per contract of February 1, 1790, at interest from February 1, 1794	-	3,000,000
2,500,000	-	Per contract of March 2, 1791, at interest from March 1, 1794	-	2,500,000
6,000,000	-	Per contract of December 14, 1791, at interest from September 1, 1794	-	6,000,000
1,000,000	-	Being a rel oan of the first instalment, due on June 1, 1793, on the Loan of 5,000,000, per contracts of June 11, 1782, at interest from June 1, 1794	-	1,000,000
3,000,000	-	Per contract of April 10, 1794, at interest from January 1, 1794	-	3,000,000
15,500,000	-	Effected under the present Government.	-	-
		Amount of five per cent. Loans	-	20,500,000
<i>Four per cent. Loans effected at Amsterdam.</i>				
2,000,000	-	Per contract of March 9, 1734, at interest from February 1, 1794	2,000,000	-
		To which add premiums and gratifications which will be payable on said Loan	467,500	-
		Effected under the late Government.	2,467,500	-
3,000,000	-	Per contract of December 24, 1791, at interest from January 1, 1794	-	3,000,000
2,950,000	-	Of a loan of 3,000,000, per contract of August 9, 1792, at interest from June 1, 1794	-	2,950,000
5,950,000	-	Effected under the present Government.	-	-
		Amount of four per cent. Loans, including premiums and gratifications to amount of 467,500, upon which no interest will be payable, if the premiums shall be discharged within six months after having been drawn	-	8,417,500
<i>Four-and-a-half per cent. Loans effected at Antwerp.</i>				
2,050,000	-	Of a Loan of 3,000,000, per contract dated November 30, 1791, at interest from December 1, 1794.	-	-
		(Of this Loan, 950,000 have been suppressed)	-	-
2,050,000	-	Effected under the present Government.	2,050,000	-
		Amount of four-and-a-half per cent. Loan	-	-
30,500,000	-	Amount at interest.	-	2,050,000
		Amount to be paid	-	80,967,500

COMPTROLLER'S OFFICE, January 6, 1795.

OLIVER WOLCOTT, Jr., Comptroller.

Public Credit.

C & D—Continued.

Statement of one year's interest on the Foreign Loans effected on a account of the United States, as due on the 31st of December, 1794.

	Guilders.	Dolla.	Cts.
20,500,000 guilders, amount of five per cent. Loans effected at Amsterdam	1,025,000		
2,050,000 guilders, amount of four and a half per cent. Loan effected at Antwerp	92,250		
7,950,000 guilders, amount of four per cent. Loans effected at Amsterdam	318,000		
30,500,000 amount at interest.			
467,500 guilders, amount of premiums and gratifications to be paid on a Loan of 2,000,000 guilders.			
30,967,500 guilders, amount to be paid for Loans effected at Amsterdam and Antwerp.			
Amount of one year's interest on the Dutch and Antwerp Loans	1,435,250		
Which, at 40 cents per guilder, is		574,100	00
<i>Livres. s. d.</i>			
12,188,040 12 2 balance due to the French Government, at 4.706 per cent. per annum, being an average of interest payable on the French Loan when obtained			
Which, at 18.15 cents per livre, is		104,102	80
Amount of one year's interest on the foreign Loans, as due on the 31st of Dec., 1794		\$678,102	80

Statement of Interest payable on the Domestic Debt.

1st. Interest payable by the existing contracts on the Debt, as it stood on the last day of December, 1794 :

On six per cent stock	- \$29,046,730	62	
On the original capital of the debt to foreign officers	- 186,988	23	
	\$29,233,718	85	a 6 per ct. \$1,754,023 13
On three per cent. stock	- 19,484,840	68	
On the interest of the capital due to foreign officers to December 31, 1790	- 22,438	58	
	19,507,279	26	a 3 per ct. 585,218 37
On the unfunded Debt, per statement	- 1,184,323	40	
From which deduct indents of interest, which bear no interest	- 83,805	00	
Unfunded Debt bearing interest	- 1,100,518	40	a 6 per ct. 66,031 10
Total of interest payable annually, by the contract existing at the close of the year 1794			\$2,405,272 60

2d. Interest payable after the year 1800, on the principles of the contract existing at the end of 1794 :

On the deferred stock existing at the end of 1794, being	- \$14,523,365	45	a 6 per ct. \$871,401 92
On the six per cent. stock, as stated above	- 29,233,718	85	a 6 per ct. 1,754,023 13
On the three per cent. stock, as stated above	- 19,507,279	26	a 3 per ct. 585,218 37
On the unfunded Debt, as stated above	- 1,100,518	40	a 6 per ct. 66,031 10
Total of interest which would be payable after the year 1800, on the whole Domestic Debt, on the principles of the existing contract, at the end of 1794			\$3,276,674 52

3d. Interest which would be payable if the whole Domestic Debt was subscribed to the Loan :

On six per cent. stock	- \$29,967,397	80	a 6 per ct. \$1,798,043 86
On three per cent. stock	- 19,967,936	00	a 3 per ct. 599,038 08

Public Credit.

Annual interest till the close of the year 1800	-	-	-	-	-	2,397,081	94
Interest on Deferred Debt, which becomes							
six per cent stock after the year 1800	\$14,890,204	90,	a 6 per ct.	-	-	893,412	29
Total interest which would be payable annually, after the year 1800, if the whole Debt was subscribed						\$3,290,494	23

E.

View of Sinking Fund, according to plan proposed in the Report.

Present annual amount of Sinking Fund, supposing the investment of the residue of the surplus of revenue to the end of 1790, and of the arrears of interest on the debt to foreign officers, in the purchase of six per cent. stock, at par, and exonerating the fund from the charge to which it is subject by the last section of the act making provision for the reduction of the Public Debt, viz :

Interest for a year on stock actually purchased and redeemed, to the last of December, 1794, and carried to the credit of the fund	-	-	-	-	-	\$68,225	55
Interest for a year on the principal and arrears of interest, to the end of 1790, on the debt to foreign officers	-	-	-	-	-	11,892	44
Interest for a year on subsequent arrears of interest, not included in the above	-	-	-	-	-	1,547	05
Interest for a year on \$411,659 49, being the unexpended balance of surplus to the end of 1790	-	-	-	-	-	24,699	56
						\$106,364	60
Interest for a year on the Loan Office certificates, bearing interest on the nominal principal which (those certificates being paid off as proposed) would accrue to this fund	-	-	-	-	-	1,911	00
Add this sum, to be appropriated out of the revenue from imports and tonnage, for the redemption of stock, bearing a present interest of six per cent. according to the fifth proposition in the report	-	-	-	-	-	408,134	64
The amount of two per cent. on \$25,820,512 20, being the amount of stock unredeemed, bearing a present interest of six per cent. exclusive of State balances	-	-	-	-	-	\$516,410	24
Dividends on Bank stock, deducting interest on such instalments of the Loan of the Bank as had not accrued in the year 1794	-	-	-	-	-	\$62,500	00
Sum to be paid in addition thereto, on the 1st of January, 1796, out of the revenues from imports and tonnage, for reimbursement of the 4th instalment of the above Loan	-	-	-	-	-	137,500	00
Amount of annual instalments of \$2,000,000 had of the Bank of the United States, pursuant to the 11th section of the act of incorporation	-	-	-	-	-	\$200,000	00

The surplus of the dividends on Bank stock will increase each year \$12,000; the interest, liberated by payment of each annual instalment of principal, and the sum to be paid out of the revenue, will annually decrease in the same ratio.

It will be, after the first year—

On the 1st of January, 1797	-	-	-	\$125,500
On the 1st of January, 1798	-	-	-	113,500
On the 1st of January, 1799	-	-	-	101,500 *
On the 1st of January, 1800	-	-	-	89,500
On the 1st of January, 1801	-	-	-	77,500
On the 1st of January, 1802	-	-	-	65,500

The yearly average of the sums successively payable out of the revenue from imports and tonnage, towards reimbursing the two million Loan, will be	-	-	-	\$101,500	00
And the whole Loan being discharged on the 1st of January, 1803, the annual dividend on Bank stock will be liberated from the future payment of interest on the Loan, and will thenceforth yield to the Sinking Fund an annuity liable to the redemption of the deferred stock	-	-	-	152,500	00
Two per centum of \$12,478,837 93, the amount of unredeemed stock, which on the 1st of January, 1801, will bear interest at six per centum per annum, exclusive of State balances, and which will be payable on the 1st of January, 1802, is	-	-	-	249,576	75

Public Credit.

Yearly interest, which, on the 1st of January, 1801, will begin to accrue to the Sinking Fund, in the deferred stock standing to its credit, is \$52,319 97. Further sum necessary for payment of the above two per centum - - - - - 197,256 78

\$249,576 78

This sum of \$197,256 78 will, in the years 1802, 1803, be payable out of the revenues from imports and tonnage. But the yearly dividends on Bank stock, free from charge after the 1st of January, 1803, being - - - - - \$152,500 00

The sum thenceforth payable out of the revenues from imports and tonnage, for payment of said two per centum, will be - - - - - 44,756 78

Which, together with the yearly interest on deferred stock, being - - - - - 52,319 97

Is equal to the amount of redeeming annuity of deferred stock, being - - - - - \$249,576 78

Hence the permanent appropriations out of the revenue from imports and tonnage, for the redemption of the whole of the unredeemed funded stock, which now bears, and hereafter will bear, an interest of six per centum per annum, exclusive of the stock standing to the credit of certain States, pursuant to the report of the Commissioners, is

For that bearing a present interest - - - - - \$408,134 64

For that bearing a future interest - - - - - 44,756 78

Total annual extra appropriation to Sinking Fund, out of the revenues, exclusive of Bank dividends - - - - - \$452,891 42

The whole of the stock bearing a present rate of interest, will, by this fund, be redeemed in something less than twenty-three years, and the interest then set free, to wit, in the year 1818, will be - - - - - \$1,631,259 72

To which add the further appropriation towards principal, as above - - - - - 408,134 64

\$2,039,394 36

This annuity, applied to payments or purchases of the Foreign Debt, on a calculation of five per cent. interest, would, by the 1st of January, 1824, extinguish that Debt, and yield a surplus of - - - - - \$122,502 29

The whole of the stock bearing a future interest of six per cent., will, by the fund to be applied to it as above, be also redeemed in something less than twenty-three years from the time of commencing the redemption, that is, by the year 1824, and the interest then set free on that stock, will be - - - - - \$801,050 24

The sum appropriated towards the redemption, then also set free, is - - - - - 197,256 78

To which, add the sum liberated by the redemption of the present six per cent. stock - - - - - 2,039,394 36

And the interest on \$13,745,379 35, being the amount of the Foreign Debt extinguished as above - - - - - 638,480 58

There will, therefore, be an annuity of - - - - - \$3,676,181 96

Thus will the whole of the Foreign Debt be extinguished by the year 1824, and the Sinking Fund will then possess an annuity of - - - - - \$3,676,181 96

And a sum, in gross, of - - - - - 122,502 29

Together - - - - - \$3,798,684 25

Which, in two years, would more than pay off the whole of the balances to creditor States, and the whole of the unfunded Debt, if not sooner discharged.

So that, supposing the proceeds of the Western lands to be sufficient, by the same time, to redeem the three per cent. stock, the whole of the present Debt of the United States, foreign and domestic, funded and unfunded, may be redeemed by the operation of the provision proposed by the fifth proposition, by the year 1826; and there would revert to the United States a yearly revenue of \$4,435,320 89.

ALEXANDER HAMILTON.

TREASURY DEPARTMENT, *January 17, 1795.*

NOTE.—The calculations in this statement would require, to assure their perfect accuracy, a revision; but it is certain, that any errors it may contain, will be too inconsiderable to affect any important result.

*Public Credit.**F.—Comparative view of annual current Revenue and Expenditure.*

CURRENT REVENUE.		Permanent re- venue.
Nett duties on imports and tonnage, as ascertained 1793 per account of receipts and expenditures for that year	- \$6,087,546 26	
Add product of additional duties on imports laid by the acts of the 5th and 7th of June, 1794, computed on the importations of 1793	- 1,091,872 32	
		\$7,179,418 58
Deduct for extra drawbacks, which would become payable after the year 1793, in consequence of extra importations of certain articles in that year, which were re-exported	- 1,500,000 00	
Deduct amount of temporary duties on imports	- 1,479,626 91	
		2,979,626 91
Permanent duties on imports and tonnage	- 4,199,791 67	
Duties on spirits distilled within the United States, and upon stills	- 400,000 00	
Nett duties on postage of letters, as ascertained in 1793,	- 29,722 16	
Patent fees, as they accrued in the same year	- 660 00	
Dividends of Bank stock beyond the interest payable to Bank in 1793	- 38,500 00	
Add interest of two instalments, which, being paid off, will increase the dividend	- 24,000 00	
		62,500 00
Total permanent revenue	-	\$4,692,673 83
		Temporary re- venue.
Duties on imports, as stated above	-	\$1,479,626 91
Estimated product of duties on snuff manufactured, and sugar refined within the United States, carriages for the conveyance of persons, licenses for selling wines and spirits at retail, sales at auction	- 380,000 00	
		1,859,626 91
Total temporary revenue	-	
Total annual current revenue	-	\$6,552,300 74
CURRENT EXPENDITURE.		
Interest on Foreign Debt as stated	- \$678,102 80	
Deduct interest on instalments of Foreign Debt for 1795, to be paid out of the proceeds of Foreign Loans	- 39,622 22	
		638,480 58
Interest on funded Domestic Debt	- 2,339,241 50	
Interest on unsubscribed Debt, computed according to contract	- 66,031,10	
		\$3,043,753 18
Interest on temporary Loans, for anticipating the revenue	- 100,000 00	
Expenses of the Civil Department, including foreign intercourse	- 475,249 53	
Expenses of the Military Department	- 1,311,975 29	
Including pensions to invalids	- 85,357 04	
		1,397,332 33
Expenses of the Naval Department for a year	- 411,508 80	
Expenses of light-houses and other establishments for the benefit of navigation	- 24,000 00	
		5,481,843 84
Excess of revenue beyond the expenditure	-	1,070,456 90
		\$6,552,300 74

ALEXANDER HAMILTON, *Secretary of the Treasury.*TREASURY DEPARTMENT, *January 17, 1795.*

Public Credit.

SUPPLEMENT TO STATEMENT F.

View of the probable produce of the additional duties on imports laid by the act of June 7, 1794.

Articles on which duties are laid by the act of June 7, 1794.	Amount imported in 1792.	Amount imported in 1793.	Rates.	Amount of duties calculated on importation of the two years.	
				1792.	1793.
Coffee, pounds - - -	8,566,441	34,458,178	At 1 cent	\$85,664 41	\$344,581 78
Cocoa, pounds - - -	520,169	1,455,408	At 2 cents	10,403 88	29,108 16
Refined sugar - - -	225,680	400,000	At 5 cents	11,284 00	20,000 00
Clayed sugar - - -	91,237	3,739,775	At 1 cent	912 37	37,397 75
Miscellany, being smaller enumerated articles - -			Various	31,424 18	31,424 18
Articles to which 5 per cent. is added, value - - -	\$4,832,118 51	\$4,832,118 51	5 per cent.	241,605 92	241,605 92
Articles to which 2½ per cent. is added, value - - -	15,510,183 81	15,510,183 81	2½ per cent.	387,754 59	387,754 59
				\$769,048 85	\$1,091,872 32

Difference between 1792 and 1793, is \$322,833 47, which may be justly considered as an extra importation, depending on peculiar and known circumstances of the war in Europe, and which, in all probability, will be wholly drawn back on exportation.

The proceeds of these duties may therefore be thus stated:

Amount computed on the importation of 1792	-	-	-	\$769,048 85
Deduct for usual drawbacks on exportation and expenses of collection, 10 per cent.	-	-	-	76,904 88
Probable nett annual product of additional duties	-	-	-	\$692,143 97

It is to be observed, however, that the considerable additions made upon the miscellaneous articles, and upon refined sugar, will probably have prohibitory effect, and that the items relative to them cannot be much counted upon.

A. H.

Result, in the year 1796, according to fifth proposition.

Surplus of revenue brought forward	-	-	-	-	\$1,070,456 90
Increased interest on Foreign Debt	-	-	-	\$67,291 89	
Interest on new emission	-	-	-	4,528 70	
Ten per cent. of arrears of unfunded interest, including indents	-	-	-	48,309 53	
Yearly instalment on account of \$1,000,000 Loan for foreign intercourse	-	-	-	200,000 00	

Appropriations for Sinking Fund, viz:

Dividends of Bank stock	-	-	-	\$62,500 00	
Sum payable out of imports and tonnage for redemption of six per cent. stock	-	-	-	408,134 64	
Sum payable on the 1st of January, 1796, towards reimbursing of Bank Loan	-	-	-	137,500 00	
				608,134 64	928,264 76
Balance, being excess of revenue beyond expenditure	-	-	-	-	\$142,192 14

It appears by statement E, that these extra appropriations will, in the progress of the operation, be reduced; and that, including a provision for the redemption of the deferred Debt, the permanent charge on the revenue (exclusive of Bank dividends) for the Sinking Fund, will be no more than \$452,891 42.

A. H.

Improvement of the Revenue.

IMPROVEMENT OF THE REVENUE.

[Communicated to the House of Representatives, February 2, 1795.]

The SECRETARY of the TREASURY respectfully makes the following report to the House of Representatives:

According to the present laws, imposing duties on articles imported into the United States, not much short of one-third of the whole amount of the duties is derived from articles rated *ad valorem*.

In other nations, where this branch of revenue, as with us, is of principal or very considerable consequence, and where no peculiarity of situation has tended to keep the rates of duty low, experience has led to contract more and more the number of articles rated *ad valorem*, and of course to extend the number of those rated specifically, that is, according to weight, measure, or other rule of quantity.

The reason of this is obvious. It is to guard against evasions which infallibly happen, in a greater or less degree, where duties are high. It is impossible for the merchants of any country to have manifested more probity than those of the United States, on this subject; and it is firmly believed, that there never was one in which illicit practices, to the disadvantage of the revenue, have obtained so little as hitherto in this; yet, it would be a delusive expectation, that, with duties so considerable as those which now exist, a disposition will not be experienced, in some individuals who carry on our import trade, to evade the payment of them, and this to an extent sufficient to make it prudent to guard with circumspection, and by every reasonable precaution against the success of such attempts. It is needless to repeat, that this will contribute as much to the interest of the fair trader as to that of the revenue.

It is believed that, in our system, the method of rating *ad valorem* could, with convenience, be brought within a much narrower compass; and it is evident that, to do so, will contribute materially to the security of the revenue.

The Secretary has not hitherto had leisure to digest the details of a plan for this purpose; but, if the idea is approved, it can be carried with due accuracy into effect, at a future session, by an order upon the Head of this Department to prepare, in the mean time, a tariff proportioned to the actual rates of duty.

It may also be found expedient, with a similar view, to adjust anew the proportional rates of duty, of different kinds or qualities, of certain articles. This observation is believed to apply, with particular force, to teas. It would be, in the opinion of the Secretary, advisable to throw them into three classes; to raise somewhat the lowest rate, and to diminish considerably the higher rates. A persuasion is entertained, founded partly upon observation of the course of importations, that a regulation of this kind would benefit the revenue. The same thing might be conveniently extended to some other articles.

Advantages will also accrue from a readjustment of the rates, in certain cases, by combining several rates on the same articles, established by different acts into one rate, and by dismissing inconvenient fractions, which serve to perplex the calculation of the duties. Some alteration in the terms of credit for duties may, it is conceived, be made with advantage. Where four months are allowed, three and six months may be substituted; and three, six, nine, and twelve, or even three, six, nine, twelve, and fifteen, to the cases of six, nine, and twelve months. This will apportion the course of receipts more according to the course of payments, and prevent inconvenient pressures at particular junctures.

The compensations to inspectors, especially in the ports where the expense of living is great, and to collectors and surveyors in the less productive ports, urgently demand revision, in order to an increase of them.

The security of the revenue, in every branch, turns (it will not be too strong to say) principally upon the officers of the lowest grade. Hence, it is a policy no less mistaken than common, to leave those officers without such compensations as will admit of a proper selection of character, and to prevent the temptation, from indigence, to abuse the trust. It is certain that, in many places, the present allowance to inspectors, on the most liberal application of it, is inadequate to those important ends.

A similar reasoning will apply to those officers of the principal grades, who, being in districts which produce little, are ill compensated by the emoluments to which they are at present entitled. It cannot escape, that the safety of the revenue must depend on equal fidelity and due vigilance in all the districts; else it may become in many cases, worth the while to resort to particular districts, because there is a deficiency of the one or the other. Besides, that it is in itself just and proper, that all who are in the public service should receive adequate rewards for their time, attention, and trouble.

The aggregate expense of collecting the duties on import and tonnage, is at present truly moderate—a circumstance which facilitates the extension of allowances where they are necessary. The system of the revenue culters needs revision. The utility of every institution depends on the competency of the agents who are to execute it. The present compensations to officers and men, compared with what may be obtained in other similar employment, unaided by collateral motives, creates a degree of embarrassment which very much impairs the usefulness of the thing. It would have been, in the judgment of the Secretary, a great mean of rendering it competent to its object, if, as was early suggested by him, the officers of the customs had had rank in the Navy of the United States.

With regard to that branch of revenue which is constituted by the duties upon spirits distilled within the United States, and upon stills, it is believed that it would be an improvement, and one which could be now made without inconveni-

Improvement of the Revenue.

ence, to abolish the option to pay by the gallon, of the spirits distilled, in the cases where the duties are charged on the stills. This will leave the alternative of paying by the year, or for less periods, upon licenses, at the choice of the party; an alternative which affords sufficient accommodation to the difference of circumstances. The option to pay by the gallon, of the spirits distilled, according to an account to be rendered on the oath of the party, though expedient in the first experiment of the law, is objectionable, as a permanent regulation, in a double view.

The additional discretionary latitude given to compensations to the officers concerned in the collection of those duties, is restricted to a term which will expire at the end of the next session of Congress. It will be essential to extend it, or to fix the compensations which shall have been allowed. It is believed that further experience will still be useful towards a definite Legislative adjustment.

Embarrassments are experienced from the want of a concurrent authority in these officers, similar to that of the officers of the customs, to make seizures within each other's surveys and divisions. On the borders of such as are adjacent, the officers are exposed to hazard in making seizures, and better opportunities are afforded of escaping detection.

The revenue to result from the act of the last session, laying duties upon licenses to retailers of wines and distilled spirits, may be improved, favorably to proportional equality, by changing the form.

One license, for selling one or more kinds of wines, puts the greatest and the smallest dealer upon the same footing, and is so far inequitable. To class wines into a few obvious and strongly marked discriminations, and to render a license necessary for each class, with a duty upon each license, would favor a just distribution of the tax among great and small dealers, and would, at the same time, benefit the revenue. The classes may be as follows: 1st. Madeira wine. 2d. Sherry wine. 3d. Port wine. 4th. Other wines.

To secure the effect of the discrimination in favor of small dealers, who may be in the practice of selling and sending out different kinds of wines in small quantities, it may be provided that not more than one license shall be necessary to any dealer, who never sells or sends out at any one time more than three gallons. And suitable penalties may be annexed to guard the condition of the exemption.

Similar observations are applicable to licenses to retailers of spirituous liquors. These may be thrown into three classes: 1st. Spirits distilled from the grape, commonly called brandy. 2d. Spirits distilled from the produce of the sugar cane, commonly called rum. 3d. Other distilled spirits; and there may be a like provision in favor of dealers who never sell or send out more than three gallons at one time.

Distillers may be put, in this respect, as to the spirits they distil, upon the same footing with importers; that is, they may be exempt from

the license duty; but it would seem proper to annex these conditions to the exemption, that they shall not sell and send out a less quantity, in one cask, vessel, or package, than ten gallons; and that they shall not deal in the selling at retail of any other spirits than those they themselves distil.

Or, another rule may be adopted, for proportioning the tax to the extent of the dealing; which is, to add to the present rate of the license certain supplemental rates, according to the yearly rent or yearly value, by appraisement, of the house or building in which the retailers of wines or spirituous liquors shall carry on the business.

This has been found, in practice, a convenient, and, upon the whole, an equitable rule of proportion; evidently more so than one license with the same duty to all dealers indiscriminately.

It is a general and a wise national policy, to make these articles of wine and spirits as contributory to the revenue as they can be made; which can only be effected by subdividing the duties upon them in the different stages of their passage to the consumer. The branch under consideration might be an important one. As it is now regulated, it is feared that it may prove of considerable consequence. The confining of the licenses for selling spirituous liquors to foreign spirits, must give great facility to evasions. And it has an unequal operation upon different portions of the community.

It would promote the object of the act, which imposes duties on sales at auction, to allow two-and-a-half per centum to each auctioneer, in lieu of the one per centum allowed by the ninth section of that act. It is believed that the present allowance is insufficient to defray the expense of clerkship incident to a compliance with the requisitions of the law, which cannot be rendered less particular or exact without prejudice to the revenue.

The tax upon snuff, according to a rate per pound, will be liable to very great evasions, without regulations for a close inspection of the course of the business. Dispensing with these, it seems advisable to modify the tax upon a different plan. The proposition to lay it upon the mortar is as good a substitute as has occurred. It appears, upon evidence which is credited, that a snuff mill usually works about one half the year; that is, one hundred and fifty-six working days in a year; and yields, per mortar, of the whole number of mortars contained in a mill, an average of forty-five pounds of snuff per day. It follows, that five hundred and sixty-one dollars and sixty-six cents per mortar, per annum, is the equivalent of the present duty of eight cents per pound. There are objections to this form of the tax; but, as it appears to be generally desired by the manufacturers, it seems advisable to forego them; especially as the present plan demands far more rigorous precautions for the effectual collection of the duty than now exist, or than would be deemed expedient.

A similar difficulty attends the tax upon refined sugar; but a proper substitute for the present plan is not perceived. It will fortify the revenue,

and produce no undue inconvenience to the manufacturer, if he be required to annex a ticket or tickets to each loaf of sugar, specifying the weight in pounds; and to each cask, barrel, keg, box, or other package of refined sugar, specifying the contents and weight in pounds, corresponding certificates or tickets to accompany imported refined sugar. The kinds of tickets to be furnished by the respective supervisors, and accounted to for them. The observance of this regulation to be secured by proper penalties.

The act which lays a duty on carriages for the conveyance of persons, exempts from the duty carriages usually and chiefly employed in husbandry, and in carrying commodities. It is a material defect in this act, as has been already experienced, that it provides no summary mode for determining what carriages are within the exempting description. Now, every disputed case must be the subject of a suit in all the legal forms, which is equally objectionable on the score of delay and expense. It is not perceived that any insurmountable difficulty lies in the way of providing a remedy consistently with a due deference, in the last resort, to the Judiciary authority.

In revenue laws, too much is as great a fault as too little simplicity. It leaves them unprovisional—incapable of execution in a manner convenient either to the public or to individuals. The acts imposing duties on licenses for selling wines and spirituous liquors at retail, and upon sales at auction, authorize allowances not exceeding two-and-a-half per cent. for compensation to officers, and for incidental expenses. The acts laying duties upon carriages for the conveyance of persons, and upon snuff and refined sugar, make no provision for such compensations, or other expenses of collection. It is the opinion of the Secretary that the rate of two-and-a-half per cent. in the two first-mentioned acts is inadequate—that it ought to be extended to five per cent., and that an equal provision should be made for the expense of collection under the two last-mentioned acts.

The restrictions upon officers of the customs, and upon the supervisors and other officers of inspection, with regard to the Public Funds, appear to the Secretary unnecessary and inconvenient—unnecessary, because those officers, having no concern whatever with any branch of public business that respects the management of the funds, can have no official influence upon the policy or execution of the measures which regard them, further than by a punctual collection of the revenues—inconvenient, because it deprives them of a mean of investing any little sums they may save or acquire, in a mode very convenient to men who, from situation, are less liable to avail themselves of other opportunities. If the being stockholders can have any influence upon them as officers, it must be of a kind favorable to the public service, by increasing their personal interest in the exact collection of the revenue. If the idea which dictated the restrictions was, that they might use the public money in speculations in stock, the answer is, that this is not in their power, from the rapidity with which it is transferred to the Treasury: and if it

were practicable for them to divert the public money, and a disposition to do it should in any case exist, it might operate through other channels. In lieu of the restrictions concerning the funds, the employment of public money for private purposes may, if thought necessary, be still further guarded against by penalties. Those restrictions in reference to the immediate officers of the Treasury Department and the Commissioners of Loans are entirely proper, and ought to be maintained; but it is believed that it is not only useless, but injurious, to give them greater extension. The multiplication of restrictions on the public officers will render greater compensations necessary, and be a source of expense to the public.

All which is respectfully submitted.

ALEXANDER HAMILTON,

Secretary of the Treasury.

TREASURY DEPARTMENT, January 31, 1795.

NOTE.—Since the conclusion of this Report, the Secretary has learnt that a bill (the progress of which his peculiar situation had prevented his observing) has actually passed the two Houses, for changing the terms of six, nine, and twelve months, into eight, ten, and twelve. This bill, besides interfering disadvantageously with arrangements of the Treasury, founded upon the existing provisions of the laws, will, it is apprehended, tend to increase an inconvenience which the above suggestions are meant to lessen—the too great concentration of mercantile payments. Any accidental derangement of the mercantile body from overtrading or other cause would, in this situation, endanger consequences to the Treasury which it might be difficult to meet by other expedients; whereas, a subdivision into shorter and more numerous periods, by diminishing the effect, would admit, in such cases, of an easy substitute. The merchants themselves are particularly interested in this question; for the reaction upon them of any embarrassment of the Treasury might render that a general and lasting mischief which might otherwise have been only a partial and transient disorder.

THE NATIONAL DEFENCE.

DEPARTMENT OF WAR, December 10, 1794.

SIR: In obedience to the orders of the President of the United States, I have the honor to submit to the House of Representatives a statement of such difficulties and inconveniences as have occurred in the execution of the act, entitled “An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States.”

I have the honor to be, with great respect, your obedient servant,

H. KNOX, *Secretary of War.*

The SPEAKER of the House of Reps. of the U. S.

The SECRETARY OF WAR, in obedience to the orders of the President of the United States, respectfully submits the following statement of such difficulties and

The National Defence.

inconveniences as have occurred in the execution of the act, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States."

That a difficulty of primary importance appears to oppose the execution of the first section of the before-recited act. The militia are requested to arm and equip themselves at their own expense, but there is no penalty to enforce the injunction of the law.

The subscriber is informed that several States have passed auxiliary laws to the act of Congress. The laws of the following States upon this subject are in his possession, to wit: Massachusetts, New Jersey, Pennsylvania, Maryland, and North Carolina.

The penalties by these for non-equipment and armament appear to be according to the following extracts:

Massachusetts—passed June 22, 1793.

"And be it further enacted by the authority aforesaid, That every non-commissioned officer or private of the infantry who shall neglect to keep himself armed and equipped as aforesaid, or who shall on a muster-day, or at any other time of examination, be destitute of, or appear unprovided with the arms and equipments herein directed, (except as before excepted,) shall pay a fine not exceeding twenty shillings, in proportion to the articles of which he shall be deficient, at the discretion of the Justice of the Peace before whom trial shall be had. And all parents, masters, and guardians, shall furnish those of the said militia who shall be under their care and command, with the arms and equipments before-mentioned, under the like penalties for any neglect. And whenever the Selectmen of any town shall judge any inhabitant thereof belonging to the militia unable to arm and equip himself in manner as aforesaid, they shall, at the expense of the town, provide for and furnish such inhabitant with the aforesaid arms and equipments, which shall remain the property of the town at the expense of which they shall be provided. And if any soldier shall embezzle or destroy the arms and equipments with which he shall be furnished, he shall, upon conviction before some Justice of the Peace, be adjudged to replace the article or articles which shall by him be so embezzled or destroyed, and to pay the cost from the process arising against him. And if he shall not perform the same within fourteen days after such adjudication, it shall be in the power of the Selectmen of the town to which he shall belong, to bind him out to service or labor for such term or time as shall, in the discretion of the said Justice, be sufficient to procure a sum of money equal to the value of the article or articles so embezzled or destroyed, and pay cost arising as aforesaid."

New Jersey—passed June 5, 1793.

"And if any such militiaman shall appear, when called out to exercise or into service, without a musket or rifle, he shall forfeit and pay the

sum of three shillings and ninepence, and for want of every other of the aforesaid articles, six pence. Each and every man so enrolled as aforesaid, and providing himself with the arms, ammunition, and accoutrements required as aforesaid, shall hold the same exempted from all suits, distress, executions or sales for debt, or the payment of taxes: *Provided always*, That whenever the majors of any battalion shall judge any person enrolled therein unable to arm and equip himself as aforesaid, such person shall not be subject to any fine for not arming; anything herein contained to the contrary notwithstanding."

Pennsylvania—passed April 11, 1793.

"*Provided always*, That whenever the field-officers of any regiment shall judge any person enrolled therein unable to arm and equip himself as aforesaid, such person shall not be subject to any fine for not arming; anything herein contained to the contrary notwithstanding."

It does not appear that any specified penalty is imposed by this act on persons neglecting to arm and equip themselves.

Maryland—passed at November Sessions, 1793.

"And any non-commissioned officer or matross, in the artillery, and any non-commissioned officer or dragoon, who shall so refuse or neglect to attend on any of the said days, armed and accoutred as aforesaid, (except as before excepted,) shall forfeit a sum not exceeding two-thirds of a dollar per day; and all other non-commissioned officers and privates who shall refuse or neglect to attend, armed and accoutred as herein before directed, (except as before excepted,) shall forfeit and pay one cent per day, unless excused, for appearing without arms and accoutrements, by the commanding officers of their respective companies for the day."

North Carolina—passed July 18, 1794.

"And every non-commissioned officer and private who shall fail to appear on the said occasions, shall forfeit for every such failure or neglect, ten shillings; or if appearing, he be not armed and provided in a manner as directed in this act, shall, for such deficiency, forfeit and pay five shillings. And if the officers of a company, or any two of them, after an examination upon oath, shall adjudge any person or persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with the arms, ammunition, and accoutrements required by this act, they shall make report thereof to the next battalion court-martial, as the case may be, who may, if it should appear necessary, exempt such person or persons from the fines and forfeitures by this act imposed, until such arms and accoutrements shall be provided and delivered him or them by the court martial, who shall take security for the safe-keeping of such arms and accoutrements, to be returned when required."

But it is certain that, were the penalties greatly enhanced, an insuperable difficulty would occur in obtaining the requisite number of arms in any

Preservation of Peace with the Indians.

reasonable period. The numbers comprehended in the act, from eighteen to forty-five years of age, inclusively, deducting the exempts and mariners, may be estimated probably at about four hundred and fifty thousand men. Of these, probably not one hundred thousand are armed as the act requires, although a greater number might be found of common and ordinary muskets without bayonets. The deficiency cannot be supplied from Europe, under the present circumstances. The only solid resource to obtain a supply, is the establishment of manufactories in each State.

The deficiency of arms cannot be more forcibly exemplified than that, to arm the militia lately called into service, estimated at fifteen thousand, the number of ten thousand arms have been issued from the public Arsenals. Loss and injury must be expected to arise upon the articles issued.

No adequate provision appears to be established by the act for securing the obedience of the militia to the call of the Executive of the United States.

It would seem essential that any law which the Congress should pass upon the subject of the militia should contain within itself all the necessary provisions for its complete execution.

The late experiment proves, at least in some parts, that the laws were inefficient; and had it not been for voluntary zeal which came to its aid, the community might have experienced great evils.

It would appear to be essential, that when the militia are in actual service, they ought to be bound by the military code of the United States.

The enrolment of men of the ages specified in the act, notwithstanding the exemptions; holding them responsible for military service, and enforcing the same, appears to be a circumstance which may operate injuriously to the industry and convenience of the community.

Of the returns enjoined by the tenth section of the said act, the following only have been received :

STATES.	From sev'n to forty.	Forty to sixty.	Total.
Massachusetts -	51,428	22,819	77,247
Connecticut -	-	-	15,851
New Jersey -	-	-	25,887
Georgia -	-	-	10,120

Whether the act in question is susceptible of such alterations and amendments, on its present principles, as will secure the advantages to be derived from a well-organized militia, or whether a limited, but a select and efficient corps of militia, formed on a principle of rotation or otherwise, and taken from the classes least injurious to the industry of the community, would not better fulfil that object, and, at the same time, better comport with economy, are questions which the wisdom of Congress alone is competent to decide.

All which is submitted.

H. KNOX, *Secretary of War.*

DEPARTMENT OF WAR, December 10, 1794.

PRESERVATION OF PEACE WITH THE INDIANS.

The SECRETARY OF WAR respectfully submits to the President of the United States the following observations respecting the preservation of the peace with the Indian Tribes, with whom the United States have formed Treaties.

To retrace the conduct of the Government of the United States towards the Indian tribes, since the adoption of the Constitution, cannot fail to afford satisfaction to every philosophic and humane mind.

A constant solicitude appears to have existed in the Executive and Congress, not only to form treaties of peace with the Indians upon principles of justice, but to impart to them all the blessings of civilized life, of which their condition is susceptible.

That a perseverance in such principles and conduct will reflect permanent honor upon the national character, cannot be doubted. At the same time, it must be acknowledged that the execution of the good intentions of the public is frequently embarrassed with perplexing considerations.

The desires of too many frontier white people, to seize by force or fraud upon the neighboring Indian lands, has been, and still continues to be, an unceasing cause of jealousy and hatred on the part of the Indians, and it would appear, upon a calm investigation, that, until the Indians can be quieted upon this point, and rely with confidence upon the protection of their lands by the United States, no well-grounded hope of tranquility can be entertained.

The encroachment of white people is incessantly watched, and, in unguarded moments, they are murdered by the Indians. Revenge is sought, and the innocent frontier people are too frequently involved as victims in the cruel contest. This appears to be a principal cause of Indian wars. That there are exceptions will not be denied. The passion of a young savage for war and fame is too mighty to be restrained by the feeble advice of the old men. An adequate police seems to be wanting either to prevent or punish the depredations of the unruly. It would afford a conscious pleasure could the assertion be made on our part, that we have considered the murders of Indians the same as the murders of whites, and have punished them accordingly. This, however, is not the case. The irritated passions on account of savage cruelty are generally too keen in the places where trials are had to convict and punish for the killing of an Indian. It is considered as unnecessary to cite instances, although multitudes might be adduced in almost every part of the country, from its first settlement to the present time.

If this view of the inability of both parties to keep the peace be correct, it would seem to follow, as a just consequence, that adequate remedy ought to be provided for an evil of such magnitude.

It is certainly an evil to be involved in hostili-

ties with tribes of savages, amounting to two or three thousand, as is the case Northwest of the Ohio. But this evil would be greatly increased, were a general Indian war to prevail South of the Ohio; the Indian warriors of the Four Nations in that quarter not being much short of fourteen thousand, not to advert to the combinations which a general Indian war might produce with the European Powers, with whom the tribes both North and South of the Ohio are connected.

It seems that our own experience would demonstrate the propriety of endeavoring to preserve a pacific conduct in preference to a hostile one with the Indian tribes. The United States can get nothing by an Indian war, but they risk men, money, and reputation. As we are more powerful and more enlightened than they are, there is a responsibility of national character, that we should treat them with kindness and even liberality. It is a melancholy reflection, that our modes of population have been more destructive to the Indian natives than the conduct of the conquerors of Mexico and Peru. The evidence of this is the utter extirpation of nearly all the Indians in most populous parts of the Union. A future historian may mark the causes of this destruction of the human race in sable colors. Although the present Government of the United States cannot, with propriety, be involved in the opprobrium, yet, it seems necessary, however, in order to render their attention upon this subject strongly characteristic of their justice, that some powerful attempts should be made to tranquilize the frontiers, particularly those South of the Ohio. The situation of the settlements on Cumberland loudly demand the interference and protection of Government. It is true some unauthorized offensive operations have proceeded from thence against the lower Cherokee towns, and victims were sacrificed. Whether these victims were all warriors, or whether women and children were not involved in the destruction, seems to merit inquiry.

Upon the most mature reflection, the subscriber has been able to bestow upon this subject, arising from the experience of several years' observation thereof, he humbly conceives all attempts to preserve the peace with the Indian tribes, will be found inadequate, short of an arrangement somewhat like the following, to wit:

1. That a line of military posts, at such distances as shall be directed, be established upon the frontiers within the Indian boundary, and out of the ordinary jurisdiction of any State, provided consent can be obtained for the purpose from the Indian tribes; that these posts be garrisoned with regular troops under the direction of the President of the United States.

2. That if any murder or theft be committed upon any of the white inhabitants, by an Indian known to belong to any Indian nation or tribe, such nation or tribe shall be bound to deliver him or them up to the nearest military post, in order to be tried and punished by a court-martial, or in failure thereof the United States will take satisfaction upon the nearest Indian town belonging to such nation or tribe.

3. "That all persons who shall be assembled or embodied in arms on any lands belonging to Indians out of the ordinary jurisdiction of any State, or of the Territory South of the Ohio, for the purpose of warring against the Indians, or of committing depredations upon any Indian town, or persons, or property, shall thereby become liable and subject to the rules and articles of war, which are or shall be established for the government of the troops of the United States." This was a section of a bill which the Senate passed the last session, entitled "An act for the more effectual protection of the Southwestern frontiers," but it was disagreed to by the House.

If, to this arrangement the expense should be objected, it is to be remembered that the President of the United States, in pursuance of law, has authorized both the Governor of Georgia and the Governor of the Southwestern Territory to establish a defensive protection, which amounts to a large sum annually.

Posts, therefore, requiring garrisons amounting to one thousand five hundred non-commissioned officers and privates, for the whole Southwestern frontiers, from the St. Mary's to the Ohio, would probably be adequate to this object.

If the posts belonging to the United States and now occupied by the British, North of the Ohio, be soon delivered up, they, with a post at the Miami Villages, and posts of communication down the Wabash on the South, and the Miami river to Lake Erie, on the North, together with a post at Presqu'Isle, would be a pretty adequate protection to the frontier North of the Ohio, and a curb to any Indian tribes, discontented without just cause, which it is presumed will never be afforded by the Government of the United States.

If to these vigorous measures should be combined the arrangement of trade recommended to Congress and the establishment of agents to reside in the principal Indian towns, with adequate compensations, it would seem that the Government would then have made the fairest experiment of a system of justice and humanity, which it is presumed could not possibly fail of being blessed with its proper effects, an honorable tranquility of the frontiers.

All which is respectfully submitted to the President of the United States.

H. KNOX, *Secretary of War.*

DEPARTMENT OF WAR,
December 29, 1794.

THE MINT.

[Communicated to the House of Representatives February 9, 1795.]

Mr. BOUDINOT, from the committee appointed to examine and report on the state of the Mint, and what further measures are necessary to render the institution more beneficial, made the following report:

That, having attended at the several departments of the Mint, and carefully examined into the present state of the institution, the committee

beg leave to make a statement of the effect of their inquiries, under the following heads :

1. The officers of the institution, and their actual duties.
2. The present state and progress of the works.
3. The expenses attending the institution to this time.
4. The improvements yet necessary to render the institution beneficial to the United States.
5. The stock now on hand.
6. The quantity of coin that may be produced when the works are complete.
7. The keeping of the accounts, with the checks necessary to prevent peculation.

1. *As to the Officers of the Mint, and their actual duties.*

The Director, whose duties, besides those contained in the act instituting the Mint, are the general superintendence of the whole business, in all its various departments, the making or approving of all contracts and purchases relative to the institution, determining on the expediency of all improvements, buildings, machines, and whatever may be thought necessary for promoting the utility of the Mint; and, lastly, to inspect all receipts and issues of the Mint, with the accounts of the expenditure, and to draw warrants for the same.

The Assayer.—He assays all metals brought to the Mint, and reports their respective qualities to the Treasurer for his direction. He attends and inspects the Melter and Refiner, and has charge of the bullion jointly with the Treasurer and Chief Coiner. He has, hitherto, also had the care of the melting and refining all the precious metals that have come to the Mint.

The Chief Coiner prepares all the necessary machines belonging to the different branches of coining the several metals directed by law; works all the ingots received from the Melter and Refiner into a proper state for coining, and, when completed, delivers them over to the Treasurer; and, lastly, oversees all the different workmen employed in the coinage, and keeps them in their duty.

The Engraver, whose actual duties are the raising and furnishing all punches that are requisite for the completion of the dies, the engraving and sinking all original dies, and raising all hubs that are struck out of them. He has an assistant occasionally, as the business is urgent.

The Treasurer, whose duty it is to take charge of all bullion received or deposited in the Mint for coinage. He delivers it out as wanted for working, and receives in return all the coins as they are completed from the Chief Coiner. He registers all the qualities of the metals as reported by the Assayer, and pays out all the coins, when completed, on the warrants of the Secretary of the Treasury and Director, makes all payments on account of the Mint, and renders his account every three months to the Treasury of the United States.

The Clerks.—At present there are three clerks; one of them performs all writings relative to the Mint, required of him by the Director and Assay-

er, makes out all orders of the Director, and keeps regular entries of the same. He keeps an account of all bullion received and delivered by the Assayer, acting in the capacity of refiner, and does such out-of-door business, for the use of the Mint, as is required of him by the Director or Assayer. He also keeps an account of the workmen employed, pays them their wages, and procures the necessary materials.

One other is clerk to the Chief Coiner, whose duty it is to keep an account how much and what metal is received by the Chief Coiner from the Treasurer, and of the sum returned in coin. He weighs out daily, the several metals to the proper workmen, and receives it back at night, by weight of which he keeps the proper entries. He makes out the pay rolls for the Director's inspection, on which warrants on the Treasurer are issued. He is present at the payment of the workmen, and takes their receipts. He also keeps the accounts of the contingent expenses attending the institution.

The remaining clerk belongs to the Treasurer, and keeps all accounts relative to his receipts, issues, and expenditures, whether of bullion, coin, or payments. He also weighs the bullion in the first instance, registers the quantity of alloy, and counts the coin issued from the Mint. Each clerk receives a salary of \$500 per annum, except the Treasurer's, who receives from the Director, out of his own salary, an addition of \$200 per annum.

2. *The present state and progress of the works.*

The houses are built on three lots of ground, in Seventh street, between Market and Arch streets, the fee simple of which is vested in the United States, and one in the Northern Liberties, taken by the Director, on a lease of five years, at the trifling rent of 5 shillings per annum.

The works consist of two rolling machines, one for hot and the other for cold metal, worked by four horses, and requiring five hands constantly to attend them while in operation. There is a third, nearly completed, to be appropriated to the smaller coinage. A drawing machine, for the purpose of equalizing the strips for cutting the planchettes, and are worked by the same hands as are last mentioned. Three cutting presses for the planchettes of larger and smaller coins, which are worked by one man each. A milling machine, which is intended to be worked by the horse mill, but at present requires one hand. Three coining presses, with the improvement for supplying and discharging themselves by machinery. Six hands will attend three if in one room. A fourth, for dollars and medals in particular, will be finished in about three months. Two turning lathes for dies, and a boring machine for making holes in the large frames, screws for presses, stakes, rollers, and an infinite variety of instruments and tools necessary to carry on the coinage.

There are, besides, three annealing and one boiling furnace, with two forges, the assay, melting, and refining furnaces.

The nett produce of these works, from the establishment of the Mint to this time, consists of

The Mint.

1,087,500 cents, paid into the Treasury of the United States, equal to \$10,875; in silver coins delivered, \$35,165. The future produce, it is said, will be about two hundred thousand cents per month.

The Treasurer has received, in gross silver bullion, from depositors, 116,788 ounces 13 penny-weights, containing alloy, below the standard of the United States, of 24,578 ounces, 7 penny-weights.

Your committee have made a strict inquiry into the causes why the product has not been greater in so long a time as two years and a half from its institution, and find that, in general, the difficulties attending all establishments that are, in their formation and operation, new and uncommon, and which, therefore, require experiments to be made in every step of their progress, have attended this institution. No works of this kind, requiring equal force and equal precision, ever having been made in this country, workmen, those expected to be obtained from Europe, by some means having failed in the different branches, were hard to be got, and many, when engaged, were not masters of their business; the materials were difficult to be obtained; and often proved insufficient for the force required; even bar iron, from the large size required, as well as the castings, caused great delay before they could be had. Oftentimes, when the machinery was finished and set to work, it gave way, and all was to be done over again. All the tools necessary to make the machines were first to be made themselves. Not only the whole machinery, in all its parts, but all the tools necessary for their formation, have been executed at the Mint. This could not be effected by an union of all the proper artisans, each a complete workman in his own department, but, from necessity, was confined to the principal officer of the coining department, who could only proceed from theoretic principles, with the assistance of such workmen as could be procured, to whom most of the machines, however common in Europe, were entirely new. Add to this, that mere theoretic knowledge has produced greater complexity in the system, and of course greater delay and expense, than full practical knowledge would have found necessary.

The Mints in Europe have been gradual in their improvements, and have been of many years' standing. This has had every difficulty to struggle with, and was to be brought to perfection at once, lest our coins should not bear a comparison with those of other nations. Those lately executed are superior to any made in Europe.

The buildings were all to be completed before the works could be begun. The lots on which the same are built, from a principle of economy, were so restricted in size that they are now found to be much too small, and so insufficient as greatly to hinder the several operations and delay the business. It was also a considerable time before an engraver could be engaged, during which the Chief Coiner was obliged to make the dies for himself, and yet the dies are subject to frequent failures by breaking. Great delays have also

taken place for want of a Refiner and Melter, provision for such an office having been wholly omitted in the law instituting the Mint, by which the present stock of copper remains useless and unproductive.

Your committee have been convinced by these facts, as well as from actual observation, that there are substantial reasons exculpatory of the officers of the Mint for the delay attending this undertaking; but they are happy in observing that most of these difficulties are now surmounted, and the future product of the coinage must be very considerable.

3. *The expense attending the institution has been very great, from the necessity and difficulties above alluded to.*

It amounted, on the 30th day of September last, to the following sums, including the standing capital, and copper to be coined into money—

Lands purchased	-	-	-	\$4,266 66
Buildings, apparatus, machines, &c.	-	-	-	22,720 45
Purchase of copper	-	-	-	15,815 51
Salaries to officers	-	-	-	15,591 99
				<u>\$58,394 61</u>

4. *The improvements yet necessary.*

It would be a very important saving to the public, as well as add great expedition to every part of the machinery, if they could be put in motion by water or steam, instead of manual labor or that of horses. At present water is out of the question, without removing the works out of the city, to which there are many solid objections; but in case the projected canal between the Schuylkill and Delaware should be accomplished, the heavy expense of this institution would be greatly reduced.

It has already been mentioned, as one cause of delay, the omission in the law of provision for a Refiner and Melter, whose duty it should be to take charge of all metals delivered out by the Treasurer, after they have been assayed and refined, and melt them into bars and ingots fit for the rolling machine, when they are to be delivered over to the Chief Coiner. This is a necessary and essential improvement. The law originally contemplated the Assayer as the only officer necessary in this part of the business.

In the European Mints, all metals deposited for coinage, are first brought to the proper standard at the expense of the owner, and by private professional workmen established in that country, independent of the Mint, and therefore no such officer belongs to those institutions; but, in this country, for want of such a private establishment, it becomes a necessary department of the Mint. And although your committee are of opinion that the Assayer might, in point of labor, execute this office, his time not being wholly taken up in his proper department, yet the propriety of positive checks throughout the whole of the business of the Mint, absolutely forbids it. Such an officer must, therefore, be appointed, or the former delays will necessarily accrue. Those would have been greater than they have been had not the Director employed an

The Mint.

occasional workman to assist in that part of the operation.

As it is the practice, in all the Mints of Europe, for the owners of bullion to have it refined to the legal standard at their own expense, your committee are of opinion that a reasonable sum from every deposit should be retained by the Treasurer of the Mint as a compensation for refining and melting. This will appear the more reasonable when it is known that the bullion already lodged in the Mint has cost the United States at least £500 for refining.

Your committee further find that the standard fineness of silver directed by law, in the opinion of the officers of the Mint, contains too great an alloy, and will expose the coin to wear black, and, therefore, that the alloy should be reduced.

The English standard of silver coin is 11 ounces, 2 pennyweights of pure silver in the pound Troy.

Spanish coins ought to contain 10 ounces, 15 pennyweights.

French crowns, of the late Government, 10 ounces 17½ pennyweights.

A mean of both is 10 ounces 16½ pennyweights.

One tenth part alloy, which is the standard of the present Government of France, established as a mean between both, leaves 10 ounces 16 pennyweights.

But the standard of the United States is 10 ounces 14 pennyweights, and 19.104 parts. This extreme fractional part of our standard for silver produces great inconvenience, without any advantage, that your committee could discover; and they are, therefore, of the opinion that the mean of 10 ounces 16 pennyweights should be adopted. It has also appeared to your committee that the price of copper is very fluctuating, and may so increase, as, in some degree, it has done since the law for ascertaining the weight of cents, that, when coined and issued, coppersmiths may work them up to considerable advantage. To prevent this growing evil provision should be made, by law, in time to check it. Great complaints are made throughout the United States of the difficulty of obtaining cents when coined. The practice, hitherto, in pursuance of the requisition of the law, has been for the Treasurer of the Mint to pay them over to the Treasurer of the United States, who distributes them among the Banks in this city. This will produce a supply, in time, for the States in the neighborhood of the Mint, but will not give satisfaction to the distant parts of the Union, who pay their equal share of the expense.

Your committee, therefore, are of opinion that it would be a valuable improvement to make provision, by law, for a more general distribution of the cents as they are coined.

5. *The Stock of Metals,*

Now on hand, uncoined, amounts to upwards of fifteen tons of copper, most of which requires refining, and the whole melting into ingots, preparative to rolling. There also yet remains about 35,507 ounces of silver bullion deposited for coining, which must also go through the hands of the Refiner and

Melter before it can be coined; and large quantities are ready to be brought when the Mint is ready for the receipt of it.

6. *The produce of the Works when complete.*

The rolling machines, for large coins, will roll from twelve to fifteen thousand ounces per day; that for small coin about half that quantity.

The drawing machine, for strips, can execute, daily the produce of one rolling machine.

The three cutting presses will each cut from fifteen to eighteen thousand planchettes per day, and the milling machine will also pass them through at the same time, when worked by horses; but, in the present state, will mill about ten thousand.

The three coining presses, when complete, will strike from eight to twelve thousand of the smaller kinds of coin per day; so that, on an average, ten thousand cents, equal to one hundred dollars, may be coined in a day by each press, if all are worked.

7. *The Accounts of the Mint.*

These are kept by the Treasurer, according to the directions, and in the manner pointed out by the Secretary of the Treasury, and appear to your committee to be fully checked for the security of the public against every avenue of deception.

All moneys appropriated for the use of the Mint, and advanced by the Treasury of the United States, are granted in the name of the Treasurer of the Mint, on warrants from the President of the United States on the Secretary of the Treasury, and from him in favor of the Treasurer of the Mint, and are deposited in the Bank of the United States, to the credit of the Treasurer of the Mint, in a separate account.

He receives all claims upon the Mint, in the first instance, and gives them his approbation before they can pass. These are under the heads of

Salaries to officers and clerks.

Wages of laborers.

Incidental and contingent expenses.

Copper purchased for coinage.

The account is then presented to the Director, who examines the same, and issues his warrant on the Treasurer of the Mint for payment. These accounts are rendered quarterly by the Treasurer to the Treasury, where they are subject to their final decision, as well respecting the ordinary expenses of the Mint, as the accounts of bullion and coinage.

The bullion is received by the Treasurer of the Mint, in the first instance, who gives receipts therefor, dated and numbered, progressively, distinguishing, by a different series, those given for silver from those for gold.

These receipts are entered in a register containing two accounts, one for each of the precious metals.

All bullion is inspected by the Assayer, and a few grains of every parcel given him to be assayed, and his certificate of the pure gold or silver in each deposit is returned, to be entered in the register; the Treasurer then computes the

Proclamation by the President.

value of the deposit in coin of the United States, which is entered in the register.

The bullion is then delivered to the Chief Coiner, on the warrant of the Director, to the Treasurer of the Mint, who takes his receipt thereon. When coined, the Chief Coiner pays them over, on a like warrant, to the Treasurer of the Mint, and he again to the Treasurer of the United States, on a warrant from the Secretary of the Treasury.

By this system, established by the Treasury Department, all bullion is to be lodged in the vaults of the Mint, and secured under two locks, the keys of which are kept by the Treasurer and Assayer.

When bullion is in the custody of the Chief Coiner, it is to be constantly subject to the inspection of the Assayer, he being responsible for the standard purity of the respective coins; and, when the bullion is not in use, it is to be kept under two locks, the keys of which are to be kept by the Assayer and Chief Coiner.

From every mass of coins, the Treasurer takes three pieces, in the presence of the Assayer, which are secured by him under cover, with seal of the Assayer thereon, for the purpose mentioned in the law.

All coins made on account of individuals are paid by the Treasurer, on the warrant of the Director.

In addition to these checks, all receipts of bullion and delivery of coins are entered into a regular set of books, kept for that purpose.

All the forms of the documents requisite for common use are printed, bound, and issued under indented checks, for the greater public security.

Your committee having thus given a concise state of the Mint, beg leave to recommend the following resolutions:

1. *Resolved*, That provision ought to be made, by law, for the appointment of a Refiner and Melter in the Mint of the United States, whose duty it shall be to take charge of all copper, and silver, and gold bullion, delivered out by the Treasurer of the Mint, after it has been assayed, and reduce it into bars or ingots for the rolling mills, and then to deliver them to the Coiner or Treasurer, as the Director shall judge expedient, and to do and perform all other duties belonging to the office of Refiner and Melter, or which shall be ordered by the Director of the Mint.

2. *Resolved*, That provision ought to be made, by law, authorizing the Treasurer of the Mint to retain two cents per ounce from every deposit of silver bullion below standard, and four cents per ounce for every deposit of gold bullion below the standard, unless the same shall require the operation of the test, then six cents as a compensation for refining and melting the same.

3. *Resolved*, That the gross bullion brought for deposit and coinage to the Mint, shall not be received in smaller quantities than two hundred ounces of silver, and twenty ounces of gold.

4. *Resolved*, That the standard for silver coin, as now established by law, be altered, and made to consist of nine equal ten parts of pure silver, and

one-tenth part of pure copper, being equal to ten ounces sixteen pennyweights of pure silver in one pound Troy.

5. *Resolved*, That the President of the United States be authorized to reduce the weight of the copper coin at his discretion: *Provided*, Such reduction shall not exceed two pennyweights in each cent, and in proportion in each half cent, of which he shall give notice, by proclamation, and report the same to the next session of Congress.

6. *Resolved*, That the Treasurer of the United States be authorized, by law, to distribute, at the public expense, all cents received from the Treasurer of the Mint, by sending them to some one Bank in each State, where any are established, and, where not, to the principal Collector of such State, in proportion to the number of inhabitants of the State, to be by them paid out, for cash, to any person requesting the same, in sums not less than ten dollars value.

7. *Resolved*, That provision ought to be made, by law, enabling the Director and Treasurer of the Mint to give a preference to bullion brought to the Mint, already of or above the standard of the United States, so as not to be prevented coining and issuing the same, although bullion below the standard, and not yet refined, may have been deposited for coinage before it; any thing in any law heretofore passed to the contrary notwithstanding.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas I have received information that certain persons in violation of the laws have presumed, under color of a foreign authority, to enlist citizens of the United States and others within the State of Kentucky, and have there assembled an armed force for the purpose of invading and plundering the Territories of a nation at peace with the said United States: And whereas such unwarrantable measures, being contrary to the laws of nations and to the duties incumbent on every citizen of the United States, tend to disturb the tranquility of the same, and to involve them in the calamities of war: And whereas it is the duty of the Executive to take care that such criminal proceedings should be suppressed, the offenders brought to justice, and all good citizens cautioned against measures likely to prove so pernicious to their country and themselves, should they be seduced into similar infractions of the laws;

I have, therefore, thought proper to issue this Proclamation hereby solemnly warning every person not authorized by the laws, against enlisting any citizen or citizens of the United States, or levying troops, or assembling any persons within the United States, for the purposes aforesaid, or proceeding in any manner to the execution thereof, as they will answer the same at their peril; and I do also admonish and require all citizens to refrain from enlisting, enrolling, or assembling themselves for such unlawful purposes, and from being in any wise concerned, aiding, or abetting therein,

Proclamation by the President.

as they tender their own welfare, inasmuch as all lawful means will be strictly put in execution for securing obedience to the laws, and for punishing such dangerous and daring violations thereof;

And I do moreover charge and require all Courts, magistrates, and other officers, whom it may concern, according to their respective duties, to exert the powers in them severally vested to prevent and suppress all such unlawful assemblages and proceedings, and to bring to condign punishment those who may have been guilty thereof, as they regard the due authority of Government, and the peace and welfare of the United States.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-fourth day of March, one thousand seven hundred and ninety-four, and of the Independence of the United States of America, the eighteenth.

G. WASHINGTON.

By the President: EDM. RANDOLPH.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas combinations to defeat the execution of the laws laying duties upon spirits distilled within the United States, and upon stills, have from the time of the commencement of those laws existed in some of the Western parts of Pennsylvania: And whereas the said combinations, proceeding in a manner subversive equally of the just authority of Government and of the rights of individuals, have hitherto effected their dangerous and criminal purpose; by the influence of certain irregular meetings whose proceedings have tended to encourage and uphold the spirit of opposition; by misrepresentations of the laws calculated to render them odious; by endeavors to deter those who might be so disposed from accepting offices under them, through fear of public resentment and of injury to person and property, and to compel those who had accepted such offices, by actual violence to surrender or forbear the execution of them; by circulating vindictive menaces against all those who should otherwise directly or indirectly aid in the execution of the said laws, or who, yielding to the dictates of conscience, and to a sense of obligation, should themselves comply therewith, by actually injuring and destroying the property of persons who were understood to have so complied; by inflicting cruel and humiliating punishments upon private citizens, for no other cause than that of appearing to be the friends of the laws; by intercepting the public officers on the highways, abusing, assaulting, and otherwise ill treating them; by going to their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages; employing for these unwarrantable purposes the agency of armed handitti disguised in such manner as for the most part to escape discovery: And whereas the endeavors of the Legislature to obviate objections to the said laws, by lowering the

duties and by other alterations conducive to the convenience of those whom they immediately affect, (though they have given satisfaction in other quarters,) and the endeavors of the executive officers to conciliate a compliance with the laws, by explanations, by forbearance, and even by particular accommodations, founded on the suggestions of local considerations, have been disappointed of their effect by the machinations of persons whose industry to excite resistance has increased with every appearance of a disposition among the people to relax in their opposition and to acquiesce in the laws, insomuch that many persons in the said Western parts of Pennsylvania have at length been hardy enough to perpetrate acts which I am advised amount to treason, being overt acts of levying war against the United States; the said persons having on the sixteenth and seventeenth of July last past proceeded in arms (on the second day, amounting to several hundreds) to the house of John Neville, inspector of the revenue for the fourth survey of the district of Pennsylvania, having repeatedly attacked the said house with the persons therein, wounding some of them; having seized David Lenox, marshal of the district of Pennsylvania, who, previous thereto, had been fired upon while in the execution of his duty, by a party of armed men, detaining him for some time prisoner, till, for the preservation of his life and the obtaining of his liberty, he found it necessary to enter into stipulations to forbear the execution of certain official duties touching processes issuing out of a Court of the United States; and having finally obliged the said inspector of the revenue, and the said marshal, from considerations of personal safety, to fly from that part of the country, in order, by a circuitous route, to proceed to the seat of Government; avowing as the motives for these outrageous proceedings an intention to prevent by force of arms the execution of the said laws, to oblige the said inspector of the revenue to renounce his said office, to withstand by open violence the lawful authority of Government of the United States, and to compel thereby an alteration in the measures of the Legislature and a repeal of the laws aforesaid.

And whereas, by a law of the United States, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," it is enacted "that whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by that Act, the same being notified by an Associate Justice or District Judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a State where such combinations may happen shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States shall not be in session, to call forth and em-

Proclamation by the President.

ploy such numbers of the militia of any other State or States, most convenient thereto, as may be necessary; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session: *Provided, always,* That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time."

And whereas James Wilson, an Associate Justice, on the fourth instant, by writing under his hand, did, from evidence which had been laid before him, notify to me that "in the counties of Washington and Alleghany, in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district."

And whereas it is, in my judgment, necessary, under the circumstances of the case, to take measures for calling forth the militia, in order to suppress the combinations aforesaid, and to cause the laws to be duly executed, and I have accordingly determined to do so, feeling the deepest regret for the occasion, but withal the most solemn conviction that the essential interests of the Union demand it—that the very existence of Government, and the fundamental principles of social order, are materially involved in the issue, and that the patriotism and firmness of all good citizens are seriously called upon, as occasion may require, to aid in the effectual suppression of so fatal a spirit.

Wherefore, and in pursuance of the proviso above recited, I, GEORGE WASHINGTON, President of the United States, do hereby command all persons, being insurgents as aforesaid, and all others whom it may concern, on or before the first day of September next, to disperse and retire peaceably to their respective abodes. And I do moreover warn all persons whomsoever against aiding, abetting, or comforting the perpetrators of the aforesaid treasonable acts; and do require all officers and other citizens, according to their respective duties and the laws of the land, to exert their utmost endeavors to prevent and suppress such dangerous proceedings.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the seventh day of August, one thousand seven hundred and ninety-four, and of the Independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President: EDM. RANDOLPH.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,
A PROCLAMATION.

Whereas, from a hope that the combinations against the Constitution and laws of the United

States, in certain of the Western counties of Pennsylvania, would yield to time and reflection, I thought it sufficient, in the first instance, rather to take measures for calling forth the militia than immediately to embody them; but the moment is now come, when the overtures of forgiveness, with no other condition than a submission to law, have been only partially accepted; when every form of conciliation not inconsistent with the being of Government has been adopted, without effect; when the well-disposed in those counties are unable by their influence and example to reclaim the wicked from their fury, and are compelled to associate in their own defence; when the proffered lenity has been perversely misinterpreted into an apprehension that the citizens will march with reluctance; when the opportunity of examining the serious consequences of a treasonable opposition has been employed in propagating principles of anarchy, endeavoring through emissaries to alienate the friends of order from its support, and inviting enemies to perpetrate similar acts of insurrection; when it is manifest that violence would continue to be exercised, upon every attempt to enforce the laws; when, therefore, Government is set at defiance, the contest being whether a small portion of the United States shall dictate to the whole Union, and, at the expense of those who desire peace, indulge a desperate ambition:

Now, therefore, I, GEORGE WASHINGTON, President of the United States, in obedience to that high and irresistible duty, consigned to me by the Constitution, "to take care that the laws be faithfully executed"—deploring that the American name should be sullied by the outrages of citizens on their own Government; commiserating such as remain obstinate from delusion; but resolved, in perfect reliance on that gracious Providence which so signally displays its goodness towards this country, to reduce the refractory to a due subordination to the law—do hereby declare and make known, that, with a satisfaction which can be equalled only by the merits of the militia summoned into service from the States of New Jersey, Pennsylvania, Maryland, and Virginia, I have received intelligence of their patriotic alacrity, in obeying the call of the present, though painful, yet commanding necessity; that a force, which, according to every reasonable expectation, is adequate to the exigency, is already in motion to the scene of disaffection; that those who have confided, or shall confide in the protection of Government, shall meet full succor under the standard and from the arms of the United States; that those who having offended against the laws have since entitled themselves to indemnity, will be treated with the most liberal good faith, if they shall not have forfeited their claim by any subsequent conduct, and that instructions are given accordingly.

And I do, moreover, exhort all individuals, officers, and bodies of men, to contemplate with abhorrence the measures leading directly or indirectly to those crimes, which produce this resort to military coercion; to check, in their respective spheres, the efforts of misguided or designing men,

Proclamation by the President.

to substitute their misrepresentation in the place of truth, and their discontents in the place of stable government; and to call to mind, that as the people of the United States have been permitted, under the Divine favor, in perfect freedom, after solemn deliberation, and in an enlightened age, to elect their own Government, so will their gratitude for this inestimable blessing be best distinguished by firm exertions to maintain the Constitution and the laws.

And, lastly, I again warn all persons, whomsoever and wheresoever, not to abet, aid, or comfort the insurgents aforesaid, as they will answer the contrary at their peril; and I do also require all officers and other citizens, according to their several duties, as far as may be in their power, to bring under the cognizance of the law all offenders in the premises.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the City of Philadelphia, the 25th day of September, 1794, and of the Independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH.

BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA,
A PROCLAMATION.

When we review the calamities which afflict so many other nations, the present condition of the United States affords much matter of consolation and satisfaction. Our exemption hitherto from foreign war, an increasing prospect of the continuance of that exemption, the great degree of internal tranquility we have enjoyed, the recent confirmation of that tranquility by the suppression of an insurrection which so wantonly threatened it, the happy course of our public affairs in general, the unexampled prosperity of all classes of our citizens—are circumstances which peculiarly mark our situation with indications of the Divine beneficence towards us. In such a state of things it is, in an especial manner, our duty as a people, with devout reverence and affectionate gratitude, to

acknowledge our many and great obligations to Almighty God, and to implore him to continue and confirm the blessings we experience.

Deeply penetrated with this sentiment, I, GEORGE WASHINGTON, President of the United States, do recommend to all religious societies and denominations, and to all persons whomsoever, within the United States, to set apart and observe Thursday, the nineteenth day of February next, as a Day of Public Thanksgiving and Prayer: and on that day to meet together and render their sincere and hearty thanks to the Great Ruler of Nations for the manifold and signal mercies which distinguish our lot as a nation; particularly for the possession of Constitutions of Government which unite, and, by their union, establish liberty with order; for the preservation of our peace, foreign and domestic; for the seasonable control which has been given to a spirit of disorder, in the suppression of the late insurrection; and generally, for the prosperous course of our affairs, public and private; and, at the same time, humbly and fervently to beseech the kind Author of these blessings graciously to prolong them to us—to imprint on our hearts a deep and solemn sense of our obligations to him for them—to teach us rightly to estimate their immense value—to preserve us from the arrogance of prosperity, and from hazarding the advantages we enjoy by delusive pursuits—to dispose us to merit the continuance of his favors, by not abusing them, by our gratitude for them, and by a correspondent conduct as citizens and as men—to render this country more and more a safe and propitious asylum for the unfortunate of other countries—to extend among us true and useful knowledge—to diffuse and establish habits of sobriety, order, morality, and piety; and, finally to impart all the blessings we possess, or ask for ourselves, to the whole family of mankind.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the city of Philadelphia, the first day of January, 1795, and of the Independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE THIRD CONGRESS, BEGUN AND HELD AT PHILADELPHIA, ON THE SECOND OF DECEMBER. 1793.

An Act making an alteration in the Flag of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the first day of May, Anno Domini one thousand seven hundred and ninety-five, the Flag of the United States be fifteen stripes alternate red and white. That the Union be fifteen stars, white, in a blue field.

FREDERICK A. MUILENBERG,
Speaker of the House of Representatives.

JOHN ADAMS,
*Vice President of the United States,
and President of the Senate.*

Approved, January 13, 1794.

GEO. WASHINGTON,
President of the United States.

An Act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States as may be found in want of support.

Be it enacted, &c., That a sum, not exceeding fifteen thousand dollars, be, and the same is hereby appropriated, to be paid out of any moneys which may be in the Treasury, arising from foreign loans, for the support of such of the inhabitants of Saint Domingo, resident within the United States, as shall be found in want of such support.

SEC. 2. *And be it further enacted,* That, in order to secure the due application of the moneys aforesaid, the same shall be placed under the direction of the President of the United States; and it shall be lawful for him to draw the said moneys, or any part thereof, from the Treasury of the United States, and to cause the distribution thereof to be made, for the relief of the persons aforesaid, in such manner, and by the hands of such persons, as shall, in the opinion of the President, appear most conducive to the humane purposes of this act.

SEC. 3. *And be it further enacted,* That a regular statement and account be kept of the moneys so expended, and being lodged in the proper office of the Treasury Department, the amount thereof shall be provisionally charged to the debit of the French Republic, subject to such future arrangements as shall be made thereon between the Go-

vernment of the United States and the said Republic: *Provided, however,* That, unless the French Republic or its Minister, or other authorized agent, shall, within six months from the passing of this act, expressly authorize a charge to the debit of the said Republic of the said supplies which shall have been, or may be made under this act, all further supplies under the same shall, from and after the expiration of the said term of six months, be discontinued.

Approved, February 12, 1794.

An Act in alteration of the act establishing a Mint and regulating the Coins of the United States.

Be it enacted, &c., That, from and after the passing this act, it shall be the duty of the Treasurer of the Mint to receive and give receipts for all metals which may lawfully be brought to the Mint to be coined; and, for the purpose of ascertaining their respective qualities, shall deliver from every parcel so received, a sufficient number of grains to the Assayer, who shall assay all such of them as may require it. And the said Treasurer shall, from time to time, deliver the said metals to the Chief Coiner to be coined in such quantities as the Director of the Mint may prescribe.

SEC. 2. *And be it further enacted,* That the Assayer and Chief Coiner of the Mint, previous to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, the said Assayer in the sum of one thousand dollars, and the said Chief Coiner, in the sum of five thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

SEC. 3. *And be it further enacted,* That so much of the act, entitled "An act establishing a Mint and regulating the coins of the United States," as comes within the purview of this act, be, and the same is hereby, repealed.

Approved, March 3, 1794.

An Act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States.

Whereas, the disastrous situation of the town of Cape Francois, in the Island of Hispaniola, com-

Acts of Congress.

pelled sundry vessels belonging to citizens of the French Republic, in the month of June last, to take refuge within the ports of the United States: and whereas, they are liable by law to the payment of foreign tonnage, which, considering the necessity of their case, ought equitably to be remitted to them: Therefore,

Be it enacted, &c., That the duties on the tonnage, to which any of the vessels aforesaid are, or may have been liable, within any of the ports of the United States, be, and are hereby remitted: *Provided, nevertheless,* That the master, owner, or consignee of every such vessel, shall make proof to the proper officer of the port in which such vessel may be, that the said vessel was compelled to leave the said Island of Hispaniola, and to take refuge within the said port, by reason of the calamity aforesaid.

Approved, March 7, 1794.

An Act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-four.

Be it enacted, &c., That, for defraying the expenditure of the Civil List of the United States, for the year one thousand seven hundred and ninety-four, together with the incidental and contingent expenses of the several departments and offices thereof; and for making good deficiencies for the support of the Civil List Establishment; for aiding the fund appropriated for the payment of certain officers of the courts, jurors, and witnesses; for the support of light-houses, and for other purposes, there be appropriated a sum of money not exceeding five hundred and twenty-one thousand four hundred and forty-seven dollars and twenty-four cents; that is to say:

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars:

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and eighty-five thousand, eight hundred and ninety dollars:

For the expenses of firewood, stationery, printing-work, and all other contingent expenses of the two Houses of Congress, ten thousand dollars:

For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-three thousand two hundred dollars:

For defraying the expense of clerks of courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures and penalties, twelve thousand dollars:

For defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, four thousand dollars:

For compensation to the Secretary of State, clerks, and persons employed in his office, six thousand eight hundred dollars:

For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of State, including the expense which will attend

the publication of the Laws of the first session of the Third Congress, and for printing an edition of the same, to be distributed, according to law, two thousand and sixty-one dollars, and sixty-seven cents:

For making good a deficiency in the appropriation for the year one thousand seven hundred and ninety-three, for extra-services of clerks, in the office of the Secretary of State, in preparing documents for Congress, and for an index to the Laws of the Second Congress, eight hundred dollars:

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, seven thousand eight hundred and fifty dollars:

For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars:

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, ten thousand two hundred dollars:

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars:

For compensation to the Treasurer, clerks, and persons employed in his office, four thousand one hundred dollars:

For the expense of firewood, stationery, printing, and other contingencies in the Treasurer's office, four hundred dollars:

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, ten thousand four hundred and fifty dollars:

For expense of stationery, printing, and other contingent expenses in the Auditor's office, five hundred dollars:

For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, six thousand one hundred and fifty dollars:

For the expenses of stationery, printing, and other contingent expenses in the office of the Commissioner, three hundred dollars:

For compensation to the Register of the Treasury, clerks, and persons employed in his office, fifteen thousand dollars:

For the expenses of stationery, printing, and other contingent expenses in the Register's office, (including books for the public stocks) two thousand dollars:

For the payment of rent for the several houses employed in the Treasury Department, one thousand five hundred and ninety-six dollars and sixty-six cents:

For wood and candles in the several offices of the Treasury Department (except the Treasurer's office) one thousand two hundred dollars:

For compensation to the several Loan Officers, thirteen thousand two hundred and fifty dollars.

For defraying the expenses of the several Loan Offices, for stationery and clerk hire, between the first day of March, and the thirty-first day of December, one thousand seven hundred and ninety-three inclusive, the sum of seventeen thousand three hundred and seventy-seven dollars and seventy-five cents:

For compensation to the Secretary of War,

clerks, and persons employed in his office, seven thousand and fifty dollars:

For expenses of firewood, stationery, printing, and other contingent expenses in the office of the Secretary of War, eight hundred dollars:

For making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-three, for contingent expenses in this office, two hundred and five dollars and seventy-six cents:

For compensation to the Accountant in the War Department, and clerks in his office, four thousand seven hundred dollars:

For contingent expenses in the office of the Accountant to the War Department, four hundred dollars:

For compensation to the following officers of the Mint: the Director, two thousand dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred; the Engraver, one thousand two hundred dollars; the Treasurer, one thousand two hundred dollars; three clerks, at five hundred dollars each, one thousand five hundred dollars:

For defraying the expenses of workmen, for the year one thousand seven hundred and ninety-four, three thousand three hundred and eighty-five dollars:

For the several expenses of the Mint, including the pay of a Refiner, when employed, for gold, silver, and copper, and for the completion of the melting furnaces, two thousand seven hundred dollars:

For replacing a sum of money advanced at the Bank of the United States, for the purpose of an importation of copper, to be coined at the Mint, ten thousand dollars:

For defraying the expenses of copper purchased in the year one thousand seven hundred and ninety-three, seven thousand three hundred and fifty dollars:

For the purchase of copper in the year one thousand seven hundred and ninety-four, seven thousand three hundred and fifty dollars:

For compensations to the Governors, Secretaries, and Judges of the Territory Northwest, and the Territory South of the River Ohio, ten thousand three hundred dollars:

For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both of the said Territories, seven hundred dollars:

For the payment of sundry pensions granted by the late Government, two thousand three hundred and sixty-seven dollars and seventy-three cents:

For payment of the annual allowance granted by Congress to Baron Steuben, two thousand five hundred dollars:

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars:

For arrearages of pension due to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman,

to the thirty first of December, one thousand seven hundred and ninety three, six hundred and seventy-five dollars:

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, four hundred dollars:

For the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, twenty thousand dollars:

To make good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, four thousand dollars:

For the purchase of hydrometers, for the use of the Officers of the Customs, and Inspectors of the Revenue, one thousand five hundred dollars:

For a balance stated by the Auditor of the Treasury, to be due to the estate of the late Major General Greene, pursuant to the act of Congress, of the twenty-seventh of February, one thousand seven hundred and ninety-two, to indemnify the said estate for a certain bond entered into by him, during the late war, in which is included interest due on the bonds from their dates, to the twelfth of April, one thousand seven hundred and ninety three, thirty-three thousand one hundred and eighty-seven dollars and sixty-seven cents:

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-three, eight hundred dollars:

For the payment of such demands, not otherwise provided for, as shall have been duly allowed by the officers of the Treasury, five thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit:

First. The sum of six hundred thousand dollars, reserved by the act making provision for the Debt of the United States.

Secondly. The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-four.

Approved, March 14, 1794.

An Act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled "An act providing the means of intercourse between the United States and foreign nations."

Be it enacted &c., That a sum of one million of dollars, in addition to the provision heretofore made, be appropriated, to defray any expenses which may be incurred, in relation to the intercourse between the United States and foreign nations, to be paid out of any moneys which may be in the Treasury not otherwise appropriated and to be applied under the direction of the President of the United States, who, if necessary, is hereby authorized to borrow the whole, or any part of the said sum of one million of dollars; an account

Acts of Congress.

of the expenditure whereof, as soon as may be, shall be laid before Congress.

SEC. 2. *And be it further enacted*, That the act, entitled "An act providing the means of intercourse between the United States and foreign nations," passed the first day of July, one thousand seven hundred and ninety, together with the second section of the act, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" passed the ninth day of February, one thousand seven hundred and ninety-three, shall be continued in force for the term of one year from the passing of this act, and from thence until the end of the next session of Congress thereafter holden, and no longer.

Approved, March 20, 1794.

An Act authorizing a Loan of one million of dollars.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to borrow, on the credit of the United States, if, in his opinion, the public service shall require it, a sum not exceeding one million of dollars, at an interest not exceeding five per centum per annum, reimbursable at the pleasure of the United States, to be applied to such public purposes as are authorized by law, and to be repaid out of the duties on imports and tonnage to the end of the present year; and that it shall be lawful for the Bank of the United States, and the said Bank hereby is authorized and empowered, to make the Loan aforesaid.

Approved, March 20, 1794.

An Act to provide for the defence of certain ports and harbors in the United States.

Be it enacted, &c., That the following ports and harbors be fortified, under the direction of the President of the United States, and at such time or times as he may judge necessary, to wit: Portland, in the District of Maine; Portsmouth, in the State of New Hampshire; Gloucester, Salem, Marblehead, and Boston, in the State of Massachusetts; Newport, in the State of Rhode Island; New London, in the State of Connecticut; New York; Philadelphia; Wilmington, in the State of Delaware; Baltimore, in the State of Maryland; Norfolk and Alexandria, in the State of Virginia; Cape Fear River and Ocracoke Inlet, in the State of North Carolina; Charleston and Georgetown, in the State of South Carolina; and Savannah and St. Mary's in the State of Georgia.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to employ, as garrisons in the said fortifications, or any of them, such of the troops on the Military Establishment of the United States as he may judge necessary; and to cause to be provided one hundred cannon, of a calibre each to carry a ball of thirty-two pounds weight, and one hundred other cannon, of a calibre each to carry a ball of twenty-four pounds weight, together with the car-

riages and implements necessary for the same, and carriages with the necessary implements for one hundred and fifty other cannon, with two hundred and fifty tons of cannon shot.

SEC. 3. *And be it further enacted*, That it shall be lawful for the President of the United States to receive from any State (in behalf of the United States) a cession of the lands on which any of the fortifications aforesaid, with the necessary buildings, may be erected, or intended to be erected; or, where such cessions shall not be made, to purchase such lands on behalf of the United States: *Provided*, That no purchase shall be made where such lands are the property of a State.

Approved, March 20, 1794.

An Act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four.

Be it enacted, &c., That, for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four—for repairs, and articles directed to be made and purchased by the President of the United States; for invalid pensioners; for fortifying certain ports and harbors; and for the purchase of cannon, implements, and shot—there be appropriated a sum of money not exceeding one million six hundred and twenty-nine thousand nine hundred and thirty-six dollars and one cent, that is to say:

For the pay of the Legion of the United States, three hundred and three thousand six hundred and eighty-four dollars.

For subsistence, three hundred and twelve thousand five hundred and sixty-seven dollars and seventy-five cents.

For forage, thirty-one thousand six hundred and thirty-two dollars.

For clothing, one hundred and twelve thousand dollars.

For equipments for the cavalry, seven thousand three hundred and fourteen dollars and five cents.

For horses for the cavalry, sixteen thousand dollars.

For bounty to the soldiers, five thousand dollars.

For the Hospital Department, twenty thousand dollars.

For the Ordnance Department, six thousand seven hundred and fifteen dollars and thirty-two cents.

For defensive protection of the frontiers, one hundred and thirty thousand dollars.

For the Indian Department, fifty thousand dollars.

For the Quartermaster's Department, one hundred and fifty thousand dollars.

For contingencies of the War Department, thirty thousand dollars.

For repairs, and articles directed to be made and purchased by the President of the United States, two hundred and two thousand seven hundred and eighty-three dollars and thirty-four cents.

Acts of Congress.

For invalid pensioners, eighty thousand two hundred and thirty-nine dollars and fifty-five cents.

For fortifying certain ports and harbors of the United States, and purchasing the lands necessary for the erection of the same, seventy-six thousand dollars.

For the purchase of cannon, implements, and shot, ninety-six thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid and discharged out of the funds following, to wit: first, the surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the Debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-four; secondly, the surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-four; and, thirdly, the surplus which may remain unexpended of the moneys appropriated for the use of the War Department, in the year one thousand seven hundred and ninety-three.

Approved, March 21, 1794.

An Act to prohibit the carrying on the slave trade from the United States to any foreign place or country.

Be it enacted, &c., That no citizen or citizens of the United States, or foreigner, or any other person, coming into, or residing within, the same, shall, for himself, or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel, within any port or place of the said United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves to any foreign country; or for the purpose of procuring from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of as slaves. And if any ship or vessel shall be so fitted out as aforesaid, for the said purposes, or shall be caused to sail, so as aforesaid, every such ship or vessel, her tackle, furniture, apparel, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned, in any of the Circuit Courts or District Court for the District where the said ship or vessel may be found and seized.

SEC. 2. *And be it further enacted*, That all and every person, so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars—one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same.

SEC. 3. *And be it further enacted*, That the owner, master, or factor of each and every foreign

ship or vessel, clearing out for any of the coasts or Kingdoms of Africa, or suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs, by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported or sold as slaves, in any other foreign port or place whatever, within nine months thereafter.

SEC. 4. *And be it further enacted*, That, if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this act, take on board, receive, or transport, any such persons as above described in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay, for each and every person so received on board, transported, or sold, as aforesaid, the sum of two hundred dollars, to be recovered in any Court of the United States, proper to try the same—the one moiety thereof to the use of the United States, and the other moiety to the use of such person or persons who shall sue for and prosecute the same.

Approved, March 22, 1794.

An Act to provide a Naval Armament.

Whereas, the depredations committed by the Algerine corsairs on the commerce of the United States render it necessary that a Naval Force should be provided for its protection:

SEC. 1. *Be it therefore enacted, &c.*, That the President of the United States be authorized to provide by purchase, or otherwise equip and employ, four ships to carry forty-four guns each, and two ships to carry thirty-six guns each.

SEC. 2. *And be it further enacted*, That there shall be employed on board each of the said ships of forty-four guns, one captain, four lieutenants, one lieutenant of marines, one chaplain, one surgeon, and two surgeon's mates; and in each of the ships of thirty-six guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate, who shall be appointed and commissioned in like manner as other officers of the United States are.

SEC. 3. *And be it further enacted*, That there shall be employed in each of the said ships, the following warrant officers, who shall be appointed by the President of the United States, to wit: one sailing-master, one purser, one boatswain, one gunner, one sailmaker, one carpenter, and eight midshipmen; and the following petty officers, who shall be appointed by the captains of the ships respectively, in which they are to be employed, viz: two master's mates, one captain's clerk, two boatswain's mates, one coxswain, one sailmaker's mate, two gunner's mates, one yeoman of the gun room, nine quarter gunners (and for the four larger ships) two additional quarter-gunners, two carpenter's mates, one armorer, one

Acts of Congress.

steward, one cooper, one master-at-arms, and one cook.

SEC. 4. *And be it further enacted*, That the crews of each of the said ships of forty-four guns shall consist of one hundred and fifty-seamen, one hundred and three midshipmen and ordinary seamen, one sergeant, one corporal, one drum, one fife, and fifty marines: And that the crews of each of the said ships of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen, ninety ordinary seamen, one sergeant, two corporals, one drum, one fife, and forty marines, over and above the officers herein before mentioned.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby empowered, to provide by purchase or otherwise, in lieu of the said six ships, a naval force, not exceeding in the whole, that by this act directed, so that no ship thus provided shall carry less than thirty-two guns; or he may so provide any proportion thereof, which, in his discretion, he may think proper.

SEC. 6. *And be it further enacted*, That the pay and subsistence of the respective commissioned and warrant officers, be, as follows: A captain, seventy-five dollars per month, and six rations per day: a lieutenant, forty dollars per month, and three rations per day: a lieutenant of marines, twenty-six dollars per month, and two rations per day; a chaplain, forty dollars per month, and two rations per day; a sailing-master, forty dollars per month, and two rations per day; a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate, thirty dollars per month, and two rations per day; a purser, forty dollars per month, and two rations per day; a boatswain, fourteen dollars per month, and two rations per day; a gunner, fourteen dollars per month, and two rations per day; a sail-maker, fourteen dollars per month, and two rations per day; a carpenter, fourteen dollars per month, and two rations per day.

SEC. 7. *And be it further enacted*, That the pay to be allowed to the petty officers, midshipmen, seamen, ordinary seamen, and marines, shall be fixed by the President of the United States: *Provided*, That the whole sum to be given for the whole pay aforesaid, shall not exceed twenty-seven thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

SEC. 8. *And be it further enacted*, That the ration shall consist of, as follows: Sunday, one pound of bread, one pound and a half of beef, and half a pint of rice: Monday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese: Tuesday, one pound of bread, one pound and a half of beef, and one pound of potatoes or turnips, and pudding: Wednesday, one pound of bread, two ounces of butter, or, in lieu thereof, six ounces of molasses, four ounces of cheese, and half a pint of rice: Thursday, one pound of bread, one pound of pork, and half a pint of peas or beans: Friday, one pound of bread, one pound of salt fish,

two ounces of butter, or one gill of oil, and one pound of potatoes: Saturday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese. And there shall also be allowed one half pint of distilled spirits per day, or, in lieu thereof, one quart of beer per day to each ration.

SEC. 9. *Provided always, and be it further enacted*, That if a peace shall take place between the United States and the Regency of Algiers, that no further proceedings be had under this act.

Approved, March 27, 1794.

An Act allowing to Major General Lafayette his Pay, and Emoluments, while in the service of the United States.

Be it enacted, &c., That there be allowed to Major General Lafayette the sum of twenty-four thousand four hundred and twenty-four dollars, being the amount of the pay and emoluments of a Major General during the time he was in the service of the United States, and that the same be paid out of any moneys which may be in the Treasury, and not otherwise appropriated.

Approved March 27, 1794.

An Act to provide for the Erecting and Repairing of Arsenals and Magazines, and for other purposes.

SEC. 1. *Be it enacted &c.*, That, for the safe keeping of the military stores there shall be established, under the direction of the President of the United States, three or four Arsenals with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States. Either or both of the Arsenals heretofore used at Springfield and Carlisle, to be continued as part of the said number, at his discretion: *Provided*, That none of the said Arsenals be erected until purchases of the land necessary for their accommodation be made, with consent of the Legislature of the State in which the same is intended to be erected.

SEC. 2. *And be it further enacted*, That there shall be established at each of the aforesaid Arsenals a National Armory, in which shall be employed one superintendent, and one master-armorier (who shall be appointed by the President of the United States) and as many workmen as the Secretary for the Department of War shall, from time to time, deem necessary, so that the whole number at all the Armories shall not exceed one hundred. And the said superintendents shall each receive as a compensation, seventy dollars per month, and the said master-armoriers each, fifty dollars per month.

SEC. 3. *And be it further enacted*, That there shall be employed an officer, whose duty it shall be (under the direction of the Department of War) to superintend the receiving, safe-keeping, and distribution of the military stores of the United States, and to call to account all persons to whom the same may be entrusted; he shall receive, for his compensation, at the rate of one hundred and twenty-five dollars per month, and

Acts of Congress.

shall be appointed by the President of the United States.

SEC. 4. *And be it further enacted*, That a sum not exceeding fifty-nine thousand dollars be appropriated for the erecting and repairing of the Arsenal and Magazines aforesaid, and a sum not exceeding twenty-two thousand eight hundred and sixty-five dollars, for defraying the expense of the National Armories for one year; and the further sum of three hundred and forty thousand dollars to be applied under the direction of the President of the United States, in the purchase of arms, ammunition, and military stores; which said several sums shall be paid out of the duties on imports and tonnage, to the end of the present year.

SEC. 5. *And be it further enacted*, That an annual account of the expenses of the National Armories be laid before the Legislature of the United States, together with an account of the arms made and repaired therein.

Approved, April 2, 1794.

An Act transferring, for a limited time, the Jurisdiction of Suits and Offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to Invalid Pensioners, to the Attorney of said District.

SEC. 1. *Be it enacted, &c.*, That all actions commenced, or pending, in the District Court of New Hampshire, be removed to the next Circuit Court to be holden in that District, there to be tried and determined, in the same manner, as if the cognizance of such actions had been originally given to the said Circuit Court: And the said Circuit Court is hereby vested with the cognizance of all actions, crimes, and offences, by the laws now in force, cognizable in the said District Court, and with all the powers and authorities of the said District Court; and any Judge of the Supreme Court of the United States is authorized to do and perform all the duties, by any law of the United States enjoined upon the said District Judge, except as is hereinafter provided; the fees to be the same as in the District Court, in all such cases.

SEC. 2. *And be it further enacted*, That the duties enjoined the District Judges, by the act "to regulate the claims to invalid pensions," be, and the same are hereby transferred, as far as relates to the District of New Hampshire, to the Attorney of the said District, whose duty it shall be to perform the same.

SEC. 3. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, or until a new District Judge be appointed in that District, and no longer.

Approved, April 3, 1794.

An Act to authorize the President of the United States in certain cases, to alter the place for holding a session of Congress.

Be it enacted, &c., That, whenever the Congress shall be about to convene, and, from the prevalence of contagious sickness, or the exist-

ence of other circumstances, it would, in the opinion of the President of the United States, be hazardous to the lives or health of the members to meet at the place to which the Congress shall then stand adjourned, or at which it shall be next by law to meet, the President shall be, and he hereby is authorized, by proclamation, to convene the Congress at such other place as he may judge proper.

Approved, April 3, 1794.

An Act to provide for placing Buoys on certain rocks off the Harbor of New London, and in Providence River, and other places.

SEC. 1. *Be it enacted, &c.*, That the Secretary of the Treasury be authorized and directed to cause to be placed Buoys on the rocks called Black Ledge, or Southwest Ledge, Goshen Reef, Bartlett's Reef, and Race Rock, off the harbor of New London, in the State of Connecticut, at an expense not to exceed the sum of twelve hundred dollars; and to cause to be erected a Beacon, and to be placed two Buoys, in the harbor of Portsmouth, in the State of New Hampshire, at an expense not to exceed the sum of three hundred dollars: And, likewise, to cause to be placed in Providence river, in the State of Rhode Island, and in Savannah river, in the State of Georgia, and at the mouth of the same, Buoys, not exceeding ten in number, for each river, and at an expense not to exceed the sum of five hundred dollars for each; the same to be placed in such parts of the said rivers as he may judge most advantageous for the navigation thereof respectively.

SEC. 2. *And be it further enacted*, That there be appropriated and paid out of the moneys arising from the duties on imports and tonnage, the sum of two thousand five hundred dollars for the purpose aforesaid.

Approved, April 5, 1794.

An Act limiting the time for presenting Claims for destroyed Certificates, of certain descriptions.

Be it enacted, &c., That all claims for the renewal of certificates of the unsubscribed Debt of the United States, of the descriptions commonly called "Loan Office Certificates" or "Final Settlements," which may have been accidentally destroyed, shall be forever barred and precluded from settlement or allowance, unless the same shall be presented at the Treasury, on or before the first day of June, in the year one thousand seven hundred and ninety-five.

SEC. 2. *And be it further enacted*, That no claim shall be allowed for the renewal of Loan Office certificates destroyed before the fourth day of March, one thousand seven hundred and eighty-nine, unless the destruction of the same was advertised, according to the resolution of Congress, of the 10th day of May, one thousand seven hundred and eighty; or, before that time, was notified to the office from which the same was issued, nor shall claims be allowed for the renewal of Loan Office certificates, destroyed on or after the said fourth day of March, one thousand seven hundred

and eighty-nine, nor of final settlement certificates, destroyed at any time, unless the destruction of the same was so far made public, as to be known to, at least, two credible witnesses, soon after it happened, and shall have been before the presentation of the claim, as hereinafter provided, advertised for, at least, six weeks successively, in some one of the newspapers of the State in which the destruction happened; and also in some one of the newspapers of the State in which the certificate issued, if that was another State; the advertisement or advertisements, in such case, expressing, with as much precision as possible, the number, date, and amount, of the certificate alleged to have been destroyed, and the name of the person to whom the same was issued, together with the time when, the place where, and the means by which, the same was destroyed.

SEC. 3. *And be it further enacted*, That all claims for the renewal of destroyed certificates, of either of the descriptions aforesaid, not precluded by this act, shall be receivable, with the evidence in support of the same, by the Auditor of the Treasury, until the said first day of June, one thousand seven hundred and ninety-five, and shall, by the accounting officers of the Treasury, be duly examined; and, if satisfactorily supported, the claimants shall be entitled to receive certificates of registered Debt, equal to the specie value of the Loan Office or final settlement certificates so proved to have been destroyed.

Approved, April 21, 1794.

An Act to establish the Post Office and Post Roads within the United States.

Be it enacted, &c., That the following be established as post roads, namely: From Passamaquoddy, in the district of Maine, to St. Mary's, in Georgia, by the following route, to wit: From Passamaquoddy, through Machias, Gouldsborough, Sullivan, Trenton, Bluchill, Penobscot, Frankfort, Belfast, Ducktrap, Camden, Thomaston, Warren, Waldoborough, Bristol, Nobleborough, Newcasttle, Wiscasset, Bath, Brunswick, North Yarmouth, Portland, Biddeford, Wells, York, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Brookfield, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabeth-Town, Bridge-town, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Christiana, Elkton, Charlestown, Havre de Grace, Hartford, Baltimore, Bladensburg, Washington, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover Court House, Richmond, Petersburg, Goldson's, Warrenton, Lewisburg, Raleigh, Aversyborough, Fayetteville, Lumberton, Cheraw Court House, Camden, Columbia, Edgefield Court House, Augusta and Waynesborough, to Savannah, and thence by Newport-bridge and Saint Savilla, to the town of Saint Mary's. From Portland, by New Gloucester, Green, Monmouth, Winthrop, and Hallowhill Courthouse, to Pittstown, on the river Kennebeck. From Portsmouth, by Exeter, Chester,

Amherst, Keene, and Walpole, to Charlestown.—From Chester, by Concord, and Plymouth, to Haverhill. From Exeter to Hampton Falls.—From Salem to Gloucester. From Salem to Marblehead. From Boston to Plymouth, Sandwich, and Falmouth; and from Falmouth to Edgartown, on Martha's Vineyard. From Sandwich to Barnstable and Yarmouth. From Boston to Taunton and New Bedford, and thence to Nantucket. From Boston, to Hartford, in Connecticut, by Dedham, Mendon, and Pomfret. From Boston to Keene. From Boston, through Andover and Haverhill, to Chester. From Taunton to Providence; and from Taunton, by Dighton and Somerset, to Warren. From New Bedford to Newport. From Boston, by Providence, Norwich, New London, Saybrook, and Guilford, to New Haven. From Newport, by Bristol and Warren, to Providence. From Newport, by East Greenwich, to Providence. From Newport, by Westerly and Stonington Point, to New London. From Springfield, by North Hampton, Greenfield, Brattleborough, Westminster, Charlestown, Windsor, Hanover, and Haverhill, to Newbury. From Springfield, by Stockbridge, to Kinderhook. From Brookfield, by North Hampton, Pittsfield, and New Lebanon, to Albany. From Hartford, by New Hartford, through Norfolk, Canaan, Sheffield, and Hillsdale, to the city of Hudson. From Hartford to Norwich. From Hartford, by Middletown, to New London. From Hartford, by Farmington, Harwinton, Litchfield, New Milford, Newton, Danbury, Ridgefield, Poundridge, Salem, North Castle, and White Plains, to New York. From New York, by Peekskill, Fishkill, Poughkeepsie, Rhinebeck, Red Hook, Clermont, Hudson, and Kinderhook, to Albany. From Albany by Lansingburg, Bennington, Manchester, Rutland, Middlebury, and Vergennes, to Burlington, on Lake Champlain. From Rutland to Windsor, in the State of Vermont. From Albany, by Schenectady, Johnston, Connojoharrie, and Whitestown, to Canandorquie; and from some convenient point in that line, through Cherry Valley, to the Court House in Cooper's town, in the county of Otsego. From the city of New York, by the most usual route, to Sag Harbor. From Newark or Elizabeth town, by Morristown and Rockaway, to Sussex Court House, and from thence, by Hackett's town and Morristown, to Elizabeth town or Newark. From Woodbridge to Amboy. From Trenton, by Allentown, Monmouth Court House, Shrewsbury and Spotswood, to Brunswick, and from Brunswick by Somerset Court House, New Germantown, Pittston, and Flemington, to Trenton. From Philadelphia, by Bethlehem, Easton, Sussex Court House, Goshen, Wardsbridge, and Kingston, to Rhinebeck. From Bethlehem to Reading. From Philadelphia, by Woodbury, Sweedsborough, and Salem, to Bridgetown, in West New Jersey. From Philadelphia, by Norristown, Pottsgrove, Reading, Lebanon, and Harrisburg, to Carlisle. From Reading to Lancaster. From Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Chambersburg, Bedford, and Greensburg, to Pittsburg. From Pittsburg, by

Acts of Congress.

Washington, in Pennsylvania, West Liberty, in Virginia, and Wheeling, on the Ohio, to Limestone and Fort Washington. From Limestone, by Bourbontown, Lexington, Frankfort, and Harrodsburg, to Danville, in Kentucky. From Danville, by Bardstown, to Louisville. From Yorktown, in Pennsylvania, by Hanover, Petersburg, and Tawny town, to Fredericktown, in Maryland, and thence to Leesburg, in Virginia. From Wilmington, in the State of Delaware, New Castle, Cantwell's bridge, and Duck Creek, to Dover; and, from thence, by Frederica, Millford, Daggsborough, Snowhill, Horntown, and Accomack Court House, to Northampton Courthouse, and thence, to Norfolk, Hampton, or Yorktown. From Philadelphia, by Wilmington, Middletown, Warwick, George town, Cross Roads, Chester town, Chester Mills, Easton, Vienna and Salisbury, to Snowhill; and from Snowhill to Princess Ann, and thence to Salisbury; and from Chestertown to Baltimore, at all times, when a stage passes between those two places. From Elkton to Warwick. From Harford to Bel Air. From Baltimore to Annapolis, Upper Marlborough, Piscataway, Port Tobacco, Allen's Fresh, Newport, and Chaptico, to Leonard town. From Baltimore to Yorktown, in Pennsylvania. From Baltimore, by Frederick town and Hager's town, to Chambersburg. From Hager's town, by Sharpsburg, to Shepherd's town. From Frederick town, by Peterstown, and Montgomery Court House, to Georgetown, on the Potomac. From Hager's town, by Hancock, Oldtown, Cumberland, Morgantown, in Virginia, and Uniontown, in Pennsylvania, to Brownsville, on the Monongahela.—From Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham Court House, to Staunton. From Fredericksburg, by Port Royal, to Tappahannock; thence across the Rappahannock, to Richmond Court House, Westmoreland Court House, Kinsale, on Yeocomico, and Northumberland Court House, to Lancaster Court House, thence re-crossing the Rappahannock to Urbana, and from Urbana to Gloucester Court House. From Fredericksburg, by Culpepper and Orange Court Houses, to Charlottesville. From Richmond, by New Castle, Aylett's Warehouse, and Todd's bridge, to Rappahannock. From Richmond, by Williamsburg, York town and Hampton, to Norfolk. From Richmond, by Columbia and Charlottesville, to Staunton, thence to Lexington, Fincastle, Montgomery Court House, Wythe Court House, and Abingdon, to Jonesborough, in the territory southwest of the Ohio, thence by Greensville, and Jefferson Court House, to Knoxville. From Staunton to Bath Court House, thence to the Sweet Springs, and thence to Greenbrier Court House. From Richmond, by Powhatan Court House, Cumberland Court House, Prince Edward Court House, Lynchburg, New London, and Liberty, to Fincastle. From Prince Edward Court House, by Charlotte Court House, Halifax Court House, and Pittsylvania Court House, to Martinsburg, and thence to Bethania. From Martinsburg to

Liberty. From Osborne's to Bermuda Hundred. From Petersburg, by Cabin Point, Smithfield and Suffolk, to Portsmouth and Norfolk. From Smithfield, by Southampton Court House to Greenville Court House. From Petersburg to Halifax, in North Carolina. From Goldson's, by Saint Tammany's and Mecklenburg Court House, to Halifax Court House, in Virginia. From Suffolk, by Edenton, Plymouth, Washington, and Newbern, to Wilmington. From Plymouth to Windsor.—From Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indiaa town, in Currituck county. From Halifax to Princeton and Murfreesborough, on Meherrin river, thence to Winton, on Chowan river, and thence by the bridge on Bennett's creek, to R. Mitchell's, which is on the post road from Suffolk to Edenton. From Halifax, by Blountsville, Williamston and Dailey's, to Plymouth. From Halifax, by Warrenton, Oxford, Hillsborough, Martinville, and Salem, to Salisbury. From Salisbury, by Cabarras Court House, to Charlotte, to return by Iredell Court House to Salisbury. From Salisbury to Fayetteville, to go and return by the following route, alternately: by Montgomery, Anson, and Richmond Court Houses, to Fayetteville, thence by Moore and Randolph Court Houses, back to Salisbury. From Halifax, by Tarborough and Greenville, to Washington, and from Tarborough to Lewisburg. From Newbern, by Kinston, Waynesborough and Smithfield, to Raleigh. From Raleigh, by Chapel Hill, to Hillsborough, and from Chapel Hill to Chatham Court House. From Hillsborough, by Person Court House, Caswell Court House, and Rockingham Court House, to Germantown. From Fayetteville to Wilmington; the mail to go alternately by Elizabethtown and return by South Washington, the cross roads near Duplin Court House and Sampson Court House. From Salem, by Bethania, Huntsville, Rockford, and Wilkes, to Morgantown, in North Carolina, and from Morgantown, by Lincolnton, to Pinckney Court House, in South Carolina.—From Cheraw Court House to Georgetown.—From Camden, by Statesburg, to Charleston.—From Charleston, by Coosawatchy, to Sister's Ferry, on Savannah river, and thence to the post road from Augusta to Savannah, and from Coosawatchy to Beaufort. From Columbia, by Orangeburg, to Charleston. From Columbia to Newbury Court House and Laurens Court House, to Greenville Court House. From Edgefield Court House to Cambridge, and thence, by Abbeville Court House, to Pendleton Court House. From Columbia, by Winnsborough, Pinckney Court House, Spartan Court House, and Greenville Court House, to Washington Court House. From Washington Court House, by Pendleton Court House, to Hatton's ford, on Tugelo river; and thence by Franklin Court House, Elberton and Petersburg, to Washington, in Georgia. From Augusta to Washington, thence to Greenborough, and thence by the great falls of Ogechee and George town, to Augusta. *Provided*, That, until the Postmaster General shall have made provision for the regular transportation of the mail from

Acts of Congress.

Wheeling to Limestone, the present post-road from Abingdon to Danville, in Kentucky, shall be continued; and if such provision cannot be made within a reasonable time, then the post-road shall be extended from Danville to Frankfort, and Lexington, and thence to Washington.

SEC. 2. *And be it further enacted*, That it shall be lawful for the Postmaster General to provide, by contract, for the carriage of a mail on any road on which a stage-wagon, or other stage-carriage, shall be established, on condition that the expense thereof shall not exceed the revenue thence arising.

It shall also be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the persons, so contracting, as a compensation for their expenses, to receive, during the continuance of such contracts, at rates not exceeding those for like distances established by this act, all the postage which shall arise on letters, newspapers magazines, pamphlets, and packets, conveyed by any such post. And the roads designated in such contracts shall, during the continuance thereof, be deemed and considered as post-roads within the provisions of this act: And a duplicate of every such contract, shall, within sixty days after the execution thereof, be lodged in the office of the Comptroller of the Treasury of the United States.

SEC. 3. *And be it further enacted*, That there shall be established, at the Seat of Government of the United States, a General Post Office; and there shall be one Postmaster General, who shall have authority to appoint an Assistant and Deputy Postmasters at all such places, as he shall find necessary; and he shall provide for carrying the mail of the United States, by stage carriages or horses, as he may judge most expedient; and as often as he, having regard to the productiveness thereof, as well as other circumstances, shall think proper, and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the Post Office. He shall also have power to prescribe such regulations to the deputy postmasters, and others employed under him, as may be found necessary, and to superintend the business of the Department, in all the duties that are or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established, which route or road shall be considered as the post-road.

SEC. 4. *And be it further enacted*, That the Postmaster General shall, once in three months, obtain from his deputies the accounts and vouchers of their receipts and expenditures, and the balance due thereon, and render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said Department, to be adjusted and settled, as other public accounts; and shall pay quarterly into the Treasury of the United States, the balance in his hands; and the Postmaster General, and his assistants, the Deputy Postmasters, and such as they may employ in their offices, before they enter upon their duties, or be

entitled to receive the emoluments of their offices, and the contractors for carrying the mail, and their agents or servants, and all others to whom the mail shall be intrusted, before they commence the execution of the said trust, shall, respectively, take and subscribe, before some Justice of the Peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General:—"I do swear (or affirm, as the case may be,) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the law, in relation to the establishment of Post Offices and Post Roads within the United States."

SEC. 5. *And be it further enacted*, That if any person should obstruct or retard the passage of the mail, or of any horse or carriage carrying the same, he shall, upon conviction for every such offence, pay a fine of not exceeding one hundred dollars; and if any ferryman shall, by wilful negligence or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay, for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General to give public notice, in one or more of the newspapers published at the Seat of Government of the United States, and in one or more of the newspapers published in the State or States, where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail, that such contract is intended to be made, and the day on which it shall be concluded, describing the places from; and to which such mail is to be conveyed; the time at which it is to be made up; the day and hour at which it is to be delivered, and the penalty or penalties for non-performance of the stipulations; he shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals, which he shall have received respecting it, in the office of the Comptroller of the Treasury of the United States: *Provided*, That no contract shall be entered into for a longer term than four years.

SEC. 7. *And be it further enacted*, That every Deputy Postmaster shall keep an office, in which one or more persons shall attend, at such hours as the Postmaster General shall direct, for the purpose of performing the duties thereof; and all letters, brought to any Post Office half an hour before the time of making up the mail at such office, shall be forwarded therein, except at such Post Offices, where, in the opinion of the Postmaster General, it requires more time for making up the mail, and which he shall accordingly prescribe; but this shall in no case exceed one hour.

SEC. 8. *And be it further enacted*, That, from and after the first day of June next, the Postmaster General shall be allowed, for his services, at the rate of two thousand four hundred dollars per annum, his assistant, at the rate of one thousand two hundred dollars per annum, and the Postmaster General shall be allowed four clerks, whose compensation shall be regulated in such manner

Acts of Congress.

as not to exceed five hundred dollars per annum to each: All the above mentioned compensations to be paid quarterly out of the revenues of the Post Office; and no fees or perquisites shall be received by any person employed in the general Post Office, on account of the duties to be performed, in virtue of his appointment.

SEC. 9. *And be it further enacted*, That the Deputy Postmasters, and persons authorized by the Postmaster General, shall demand and receive for the conveyance of letters and packets, except such as are hereinafter excepted, the following rates of postage: For every single letter conveyed by land, not exceeding thirty miles, six cents; over thirty miles, and not exceeding sixty, eight cents; over sixty, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half; over one hundred and fifty miles, and not exceeding two hundred, fifteen cents; over two hundred miles, and not exceeding two hundred and fifty, seventeen cents; over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents; over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents; and more than four hundred and fifty miles, twenty-five cents; and for every double letter, double the said rates; for every triple letter, triple; and for every packet, weighing one ounce Avoirdupois, at the rate of four single letters; and in that proportion for any greater weight.

SEC. 10. *And be it further enacted*, That, for all letters and packets passing by sea to and from the United States, or from one port to another therein, in packet boats or vessels, the property of, or provided by the United States, postage shall be charged as follows: For every single letter, eight cents; for every double letter, sixteen cents; for every triple letter, or packet, twenty-four cents; and for every letter or packet brought into the United States, or carried from one port therein to another, by sea, in any private ship or vessel, four cents, if delivered at the place where the same shall arrive; and if directed to be delivered at any other place, with the addition of like postage, as other letters are made subject to the payment of, by this act.

SEC. 11. *And be it further enacted*, That if any Deputy Postmaster, or other person authorized by the Postmaster General to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or any gratuity or reward, other than is provided by this act, for the postage of letters or packets, on conviction thereof, he shall forfeit, for every such offence, one hundred dollars, and shall be rendered incapable of holding any office or appointment under the United States.

SEC. 12. *And be it further enacted*, That no ship or vessel, arriving at any port within the United States, where a Post Office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the Postmaster, all letters directed to any person or persons, within the United States, which, under his care, or within his power, shall be brought in such ship or vessel, except such as

are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery, to which such ship or vessel may be bound. And it shall be the duty of the Collector, or other officer of the port, empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

SEC. 13. *And be it further enacted*, That the Postmasters, to whom such letters may be delivered, shall pay to the master, commander, or other person, delivering the same, except the commanders of foreign packets, two cents for each letter or packet, and shall obtain from the person delivering the same, a certificate, specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed, which certificate, together with a receipt for the money, shall be, with his quarterly accounts, transmitted to the Postmaster General, who shall credit him with the amount.

SEC. 14. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse post, stage wagon, or other stage carriage, on any established Post Road, or any packet boat or other vessel, to ply regularly from one place to another, between which a regular communication by water, shall be established by the United States, and shall receive any letter or packet, other than newspapers, magazines, or pamphlets, and carry the same, by such foot or horse post, stage wagon, or other stage carriage, packet boat or vessel, (excepting only such letter or letters, as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person to whom any package or bundle in such conveyance is intended to be delivered,) every person so offending shall forfeit, for every such offence, the sum of fifty dollars: *Provided*, That it shall be lawful for any person to send letters or packets by a special messenger.

SEC. 15. *And be it further enacted*, That the Deputy Postmasters and other agents of the Postmaster General, shall duly account and answer to him, for all way-letters, which shall come to their hands; and for this purpose the post-riders, and other carriers of the mail, receiving any way-letter or letters, (and it shall be their duty to receive them, if presented more than two miles from a Post Office,) shall deliver the same, together with the postage, if paid, at the first Post Office, to which they shall afterwards arrive, where the Postmaster shall duly enter the same, and specify the number and rate or rates in the post-bill, adding to the rate of each way-letter one cent, which shall be paid by the Deputy Postmaster, to the mail carrier from whom such way-letter shall be received; and that letters, directed to persons living between Post Offices, may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail to take charge of, and deliver, all such letters as shall, for that pur-

pose, be committed to them, by any Deputy Postmaster, and collect the postage thereof, which shall be paid over by such Deputy Postmaster, on demand, and for every letter so delivered, the mail carrier delivering the same shall be allowed to demand and receive two cents, to his own use, besides the ordinary postage; and if any Deputy Postmaster, or other agent of the Postmaster General, shall neglect so to account, he or they, so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding fifty dollars: *Provided*, That no mail carriers shall make such deliveries at any place not on the Post Road: *Provided also*, That the receipts and delivery of letters on the way, between Post Offices, shall not be required of the mail carriers, in cases where, in the opinion of the Postmaster General, the time or manner of carrying the mail, or the speed of conveyance, is incompatible with such receipts and deliveries.

SEC. 16. *And be it further enacted*, That if any person employed in any of the departments of the General Post Office, shall unlawfully detain, delay, or open, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and which are intended to be conveyed by post; or if any such person shall secrete, embezzle, or destroy, any letter or packet, intrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person, employed as aforesaid, shall secrete, embezzle, or destroy, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the Treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to the payment of money, or any bond or warrant, draft, bill, or promissory note, whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same, out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next Post Office, every such person, so offending, shall forfeit and pay a sum not exceeding five hundred dollars, for every such offence. And if any person concerned in carrying the mail of the United States, shall collect, receive, or carry, any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

SEC. 17. *And be it further enacted*, That if any person or persons shall rob any carrier of the mail of the United States of such mail, or any part thereof, such offender or offenders shall, on conviction thereof, suffer death. And if any person shall steal the mail, or shall steal and take from or out of the mail, or from or out of any Post Office, any letter or packet, such person shall, upon conviction, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence.

SEC. 18. *And be it further enacted*, That the Deputy Postmasters shall, respectively, publish, at the expiration of every three months, or oftener, when the Postmaster General shall so direct, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices, or, instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and, at the expiration of the next three months, shall send such of the said letters as then remain on hand as dead letters, to the General Post Office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence, shall be found therein, it shall be the duty of the Postmaster General to cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within the United States; and such letter, and the contents, shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage, and the expense of publication. And if such letter, with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within two years after the advertisement thereof, as aforesaid, the said contents shall be applied to the use of the United States, until the same shall be reclaimed by the proprietor thereof. The manner of such application to be specially stated by the Postmaster General to the Secretary of the Treasury.

SEC. 19. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions as are hereinafter provided; that is to say, all letters and packets to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session; all letters to and from the Secretary of the Treasury, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary at War, Commissioner of the Revenue, the Postmaster General, his Assistant, and Deputies: And the Deputy Postmasters shall receive, besides their

Acts of Congress.

other allowances, two cents for each free letter or packet, (their own excepted) which shall be delivered to the person addressed out of their respective offices. *Provided*, That no person shall frank or enclose any letter or packet other than his own; but any public letter or packet from the Department of the Treasury, may be franked by the Secretary of the Treasury, or by the Commissioner of the Revenue, Comptroller, Register, Auditor, or Treasurer: And that each person before named shall deliver into the Post Office every letter or packet enclosed to him, which may be directed to any other person, noting the place from whence it came by post, and the usual postage shall be charged thereon: *And provided also*, That no letter to or from a Deputy Postmaster shall be free of postage, if it exceeds half an ounce in weight.

SEC. 20. *And be it further enacted*, That if any person shall counterfeit the handwriting of any other person, in order to evade the payment of postage, such person or persons so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

SEC. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

SEC. 22. *And be it further enacted*, That all newspapers conveyed in the mail shall be under cover, open at one end, carried in separate bags from the letters, and charged with the payment of one cent each, for any distance not more than one hundred miles, and one cent and a half for any greater distance: *Provided*, That the postage of a single newspaper, from any one place to another, in the same State, shall not exceed one cent: And that, where the mode of conveyance and the size of the mails will admit of it, magazines and pamphlets may be transported in the mail, at one cent per sheet for conveyance, any distance not exceeding fifty miles; one and a half cent for any distance over fifty miles, and not exceeding one hundred; and two cents per sheet, for any greater distance. And it shall be the duty of the Postmaster General and his deputies, to keep a separate account for the newspapers, magazines, and pamphlets; and the Deputy Postmasters shall receive fifty per cent. on the postage thereof, exclusively of their other allowances: And if any letter, memorandum in writing, or other thing, be enclosed in, or placed among such newspapers, or if any note or memorandum, other than the name of the person to whom it is addressed, be written upon any such newspaper, the letter, memorandum, or other thing, so enclosed or placed, and the newspaper on which such memorandum shall be written, shall be detained by the Deputy Postmaster, until a sum shall be paid him equal to the postage of the whole packet in which they shall be found, calculating such postage at the rates established by this act for letters and packets: And that any printer, or other person, who shall conceal a letter, or any memorandum in writing, in a newspaper

or among any package of newspapers, shall be liable, on conviction, to a fine for each offence, not exceeding five dollars. And if any of the persons employed in any department of the Post Office, shall unlawfully detain, delay, embezzle, or destroy any newspaper, magazine, or pamphlet, with which he shall be intrusted, such offenders, for every such offence, shall forfeit a sum not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is made, to carry newspapers, magazines, and pamphlets, other than those carried in the mail.

SEC. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to allow to the Deputy Postmasters, respectively, such commission, on the moneys arising from the postage of letters and packets, as he shall think adequate to their respective services and expenses: *Provided*, The said commission shall not exceed twenty per cent. to any one deputy, except the Postmaster at the port where the European packets do or shall arrive, to whom such further allowance, in addition to the emoluments of his office, shall be made, as the Postmaster General shall deem a reasonable compensation for his extra services, in the receipt and despatch of letters originally received into his office, from on board such packets, and by him forwarded to other offices: And except the Deputy Postmaster at Burlington, on Lake Champlain, whose compensation the Postmaster General is hereby authorized to augment, on account of his extra trouble in receiving mails passing to and from Canada, to a sum not exceeding one hundred dollars per annum: And except certain Deputy Postmasters, who are obliged to rise in the night to receive mails, whose compensations the Postmaster General is hereby authorized to increase, not exceeding forty per cent. on the amount of moneys arising on the postage of letters and packets: *And provided also*, That the compensations aforesaid shall not exceed one thousand eight hundred dollars per annum to any one Postmaster, excepting the Deputy Postmaster of Philadelphia, who shall be allowed a compensation not exceeding the sum of three thousand five hundred dollars a year, including all perquisites and emoluments, of which a regular account shall be rendered to the Postmaster General: And excepting the Deputy Postmaster at New York, who shall be allowed a compensation, not exceeding two thousand seven hundred dollars a year, including all perquisites and emoluments, of which a regular account shall be rendered, as aforesaid: *Provided also*, That the reasonable charges of the Deputy Postmasters for stationery, for cases necessary for the safe-keeping and convenient distribution of letters, and for advertising the lists of letters, from time to time remaining in their offices, accompanied with proper vouchers, shall be admitted by the Postmaster General, and placed to their credit: And there shall also be allowed to the Deputy Postmaster of Philadelphia, for his extraordinary expenses, incurred in the execution of his office, un-

Acts of Congress.

der the existing law, an additional compensation, at the rate of eight hundred and fifty dollars a year, to be computed from the first day of July, one thousand seven hundred and ninety-two, to the first day of June next.

SEC. 24. *And be it further enacted*, That, if any Deputy Postmaster, or other person authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts and pay over to the Postmaster General the balance by him due at the end of every three months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such three months, the balances due from every such delinquent shall be charged to and recoverable from the Postmaster General.

SEC. 25. *And be it further enacted*, That all pecuniary penalties and forfeitures incurred under this act, shall be one-half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States.

SEC. 26. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port of the United States, to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the Postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received there shall be paid, at the time of its reception, a postage of one cent, which shall be for the use of the Postmasters respectively receiving the same. And the Postmaster General may make arrangements with the Postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets through the post offices.

SEC. 27. *And be it further enacted*, That the Deputy Postmasters and the persons employed in the transportation of the mail shall be exempt from militia duties, or any fine or penalty for neglect thereof.

SEC. 28. *And be it further enacted*, That letter-carriers shall be employed at such post offices as the Postmaster General shall direct for the delivery of letters in the places respectively where such post offices are established; and, for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made two cents: *Provided*, That no letter shall be delivered to such letter carrier for distribution addressed to any person who shall have lodged at the post office a written request that his letters shall be detained in the office. And, for every letter lodged at any post office, not to be carried by post, but to be delivered to the place where it is so lodged, the Deputy Postmaster shall receive one cent of the person to whom it shall be delivered.

SEC. 29. *And be it further enacted*, That this act shall be in force from the first day of June next
Approved, May 8, 1794.

An Act providing for raising and organizing a Corps of Artillerists and Engineers.

Be it enacted, &c., That the number of seven hundred and sixty-four non-commissioned officers, privates, and artificers, to serve as privates and musicians, shall be engaged for the term of three years, by voluntary enlistments; and that the proper proportion of commissioned officers shall be appointed to command the same.

SEC. 2. *And be it further enacted*, That the aforesaid commissioned and non-commissioned officers, privates, artificers, and musicians, shall be incorporated with the corps of artillery now in the service of the United States, and denominated the corps of artillerists and engineers, and that the entire number of the said corps, exclusively of the commissioned officers, shall be nine hundred and ninety-two.

SEC. 3. *And be it further enacted*, That the organization of the said corps be as herein mentioned, to wit: One Lieutenant Colonel commandant, one Adjutant, one Surgeon—four battalions, each to consist of one Major, one Adjutant and Paymaster, and one Surgeon's Mate; and four companies, each to consist of one Captain, two Lieutenants, two Cadets, with the pay, clothing, and rations of a sergeant, four sergeants, four corporals, forty-two privates, suppers, and miners, and ten artificers, to serve as privates, and two musicians.

SEC. 4. *And be it further enacted*, That the additional commissioned officers, non-commissioned officers, privates, artificers, and musicians, by this act directed to be raised, shall receive the same pay and allowances, in all respects, as the troops already in the service of the United States; and they shall also be governed by the same rules and articles of war, which have been, or may be by law, established.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Secretary of War to provide, at the public expense, under such regulations as shall be directed by the President of the United States, the necessary books, instruments, and apparatus, for the use and benefit of the said corps.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause such proportions of the said corps to serve in the field, on the frontiers, or in the fortifications of the seacoast, as he shall deem consistent with the public service.

Approved, May 9, 1794.

An Act supplementary to "An act to provide for the Defence of certain Ports and Harbors in the United States."

Be it enacted, &c., That the port and harbor of the city of Annapolis be fortified in such manner, and at such time or times, as the President of the United States may direct; and that it shall be lawful for the President of the United States to employ a garrison in the said fortification, provide cannon and equipments, and receive from the State of Maryland a cession of the lands on which the said fortification, and its necessary buildings, may be erected, agreeably to the second

Acts of Congress.

and third sections of the act to which this is a supplement.

Approved, May 9, 1794.

An Act for the Remission of the Duties on eleven hogshheads of Coffee which have been destroyed by fire.

Whereas, eleven hogshheads of coffee were imported in the brig Jason, from Cape Francois, by two French citizens to the port of Norfolk and Portsmouth in November last, and the duties thereon secured to be paid by Messrs. Elliott and Purviance of the same port: And whereas, the said eleven hogshheads of coffee were afterwards on account of the same importers shipped to the port of Baltimore, and there, in the night of the seventh day of January last, destroyed by fire.

Be it enacted, &c., That the duties paid or payable to the United States on the same eleven hogshheads of coffee be, and the same are hereby remitted; and it shall be the duty of the Collector of the port of Norfolk and Portsmouth to refund the same duties, if they have been received.

Approved, May 9, 1794.

An Act directing a Detachment from the Militia of the United States.

Be it enacted, &c., That the President of the United States be, and he is hereby authorized to require of the Executives of the several States, to take effectual measures, as soon as may be, to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, the following proportions, respectively, of eighty thousand effective militia, officers included, to wit: From the State of Georgia, one thousand three hundred and thirty-three; from the State of South Carolina, three thousand five hundred and fifty; from the State of North Carolina, seven thousand three hundred and thirty-one; from the State of Kentucky, one thousand five hundred and thirty-two; from the State of Virginia, eleven thousand three hundred and seventy-seven; from the State of Maryland, five thousand four hundred and eighteen; from the State of Delaware, one thousand two hundred and fifty-six; from the State of Pennsylvania, ten thousand seven hundred and sixty-eight; from the State of New Jersey, four thousand three hundred and eighteen; from the State of New York, seven thousand nine hundred and seventy-one; from the State of Vermont, two thousand one hundred and thirty-nine; from the State of Connecticut, five thousand eight hundred and eighty-one; from the State of Rhode Island, one thousand six hundred and ninety-seven; from the State of Massachusetts, eleven thousand eight hundred and eighty-five; and from the State of New Hampshire, three thousand five hundred and forty-four.

Sec. 2. *And be it further enacted*, That the detachments of militia aforesaid shall be officered out of the present militia officers, or others, at the option and discretion of the Constitutional authority in each State respectively.

Sec. 3. *And be it further enacted*, That the

President may, if he judges expedient, authorize the Executives of the several States to accept any independent corps of cavalry, artillery or infantry, as part of the detachments aforesaid, provided they shall voluntarily engage as corps in the service.

Sec. 4. *And be it further enacted*, That the said militia shall not be compelled to serve a longer time, in any one tour, than three months after their arrival at the place of rendezvous; and that, during the time of their service, besides their pay and other allowances, which shall be the same as the troops on the Military Establishment of the United States, they shall receive at the rate of one dollar and sixty-six cents, for clothing, per month.

Sec. 5. *And be it further enacted*, That the President of the United States be requested to call on the Executives of the Several States, to take the most effectual means, that the whole of the militia, not comprised within the foregoing requisition, be armed and equipped according to law.

Sec. 6. *And be it further enacted*, That this act shall continue and be in force, for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

Approved, May 9, 1794.

An Act to erect a Light house on the Headland of Cape Hatteras; and a Lighted Beacon on Shell Castle Island, in the Harbor of Ocracock, in the State of North Carolina.

Be it enacted, &c., That, as soon as the jurisdiction of so much of the headland of Cape Hatteras, in the State of North Carolina, as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a light-house shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President of the United States, for building a light-house thereon, of the first rate, and furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of building said light-house; and the President is hereby authorized to make said appointments. That the number and disposition of the lights in the said light-house shall be such, as may tend to distinguish it from others, and, as far as practicable, to prevent mistakes in navigators.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized to provide, by contract, which shall be approved by the President of the United States, for building on an Island in the harbor of Ocracock, called Shell Castle, a lighted beacon, of a wooden frame, fifty-five feet high, to be twenty-two feet at the base, and to be reduced gradually to twelve feet at the top, exclusively of the lantern, which shall be made to contain one large lamp with four wicks, and for furnishing the same with all necessary supplies: *Provided*, That no such lighted beacon shall be erected, until a cession of a sufficient quantity of

Acts of Congress.

land on the said Island shall be made to the United States by the consent of the Legislature of the State of North Carolina.

SEC. 3. *And be it further enacted*, That sufficient moneys be appropriated for the erecting and completing the buildings aforesaid, out of any moneys heretofore appropriated which may remain unexpended after satisfying the purposes for which they were appropriated, or out of any moneys which may be in the Treasury not subject to any prior appropriation.

Approved, May 13, 1794.

An Act for erecting a Light-house on the Island of Seguin, in the District of Maine, and for erecting a Beacon, and placing three Buoys at the entrance of Saint Mary's river, in the State of Georgia.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President of the United States, for building a light-house on the Island of Seguin, near the entrance of the river Kennebeck, in the District of Maine, (the Commonwealth of Massachusetts having ceded to the United States ten acres of the said Island for that purpose,) and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the person or persons, who may be appointed by the President, for the superintendence and care of the same; and the President is hereby authorized to make the said appointments; that the number or disposition of the light or lights in the said light-house, be such as may tend to distinguish it from others, as far as is practicable.

SEC. 2. *And be it further enacted*, That a sum, not exceeding five thousand dollars, be appropriated for the same, out of any moneys heretofore appropriated, which may remain unexpended, after satisfying the purpose for which they were appropriated, or out of any other moneys which may be in the Treasury, not subject to any prior appropriations.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause a beacon to be erected, and three buoys to be placed, at the entrance of Saint Mary's river, in the State of Georgia, and that a sum, not exceeding three hundred dollars, be appropriated in like manner as the sum for defraying the expenses for erecting a light-house on the island of Seguin, is appropriated by this act, for the purpose of defraying the charges of erecting and placing the same.

Approved, May 19, 1794.

An Act further to authorize the adjournment of Circuit Courts.

Be it enacted, &c., That a Circuit Court in any district, when it shall happen that no Justice of the Supreme Court attends within four days after the time appointed by law for the commencement of the session, may be adjourned to the next stated term by the Judge of the district, or, in case of his absence also, by the Marshal of the district.

Approved, May 19, 1794.

An Act prohibiting for a limited time the exportation of Arms and Ammunition, and encouraging the importation of the same.

Be it enacted, &c., That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket balls, lead, bombs, grenades, gunpowder, sulphur, or saltpetre; but the exportation of all the aforesaid articles are hereby prohibited for and during the term of one year.

SEC. 2. *And be it further enacted*, That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of any vessel, which, during the continuance of this prohibition, shall be found on board of any vessel, in any river, port, bay, or harbor, within the territory of the United States, with an intent to be exported from the United States to any foreign country, shall be forfeited; and in case the value thereof shall amount to four hundred dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel, and furniture, shall also be forfeited: *Provided, nevertheless*, That nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the United States, in any vessel having a license as a coasting vessel, the master, agent, or owner of which shall have given bond, with one or more sufficient sureties, to the Collector of the District from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board her, that the said articles shall be relanded and delivered in some port of the United States.

SEC. 3. *And be it further enacted*, That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the vessel in which the same shall have been exported, together with her tackle, apparel, and furniture, shall be liable to forfeiture, and the captain or master of such vessel shall forfeit and pay a sum not exceeding one thousand dollars.

SEC. 4. *And be it further enacted*, That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law; and all forfeitures and penalties incurred under it shall be sued for, prosecuted, adjudged, and distributed, in like manner as is provided in the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships and vessels."

SEC. 5. *And be it further enacted*, That all brass cannon, muskets, and firelocks, with bayonets suited to the same, pistols, swords, cutlasses, musket balls, lead, and gunpowder, which shall be imported into the United States from any foreign country, within the term of one year, and all sulphur and saltpetre which shall be so imported within the term of two years from and after the passing of this act, shall be free of duty, anything in any former law to the contrary notwithstanding.

Approved, May 22, 1794.

Acts of Congress.

An Act to alter the time for the next annual meeting of Congress.

Be it enacted &c., That, after the adjournment of the present session, the annual meeting of Congress shall be on the first Monday in November next.

Approved, May 30, 1794.

An Act to continue in force the act for the relief of persons imprisoned for debt.

Be it enacted, &c., That the act entitled "An act for the relief of persons imprisoned for debt," be continued, and that the same be in force for the term of two years from the passing of this act, and from thence to the end of the next session of Congress, and no longer.

Approved, May 30, 1794.

An Act further extending the time for receiving on Loan the Domestic Debt of the United States.

Be it enacted, &c., That the term for receiving on Loan that part of the Domestic Debt of the United States which shall not have been subscribed in pursuance of the act entitled "An act for extending the time for receiving on Loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three," be, and the same is hereby further extended from and after the last day of June ensuing, until the last day of December next, inclusively, on the same terms and conditions as are contained in the act, entitled "An act making provision for the Debt of the United States;" *Provided,* That the books for receiving the said subscriptions shall be opened only at the Treasury of the United States.

Sec. 2. And be it further enacted, That such of the creditors of the United States as have not subscribed and shall not subscribe to the said Loan, shall nevertheless receive, during the year one thousand seven hundred and ninety-four, a rate per centum on the amount of such of their demands, as have been registered or as shall be registered at the Treasury, conformably to the directions in the act, entitled "An act making provision for the Debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Approved, May 30, 1794.

An Act making provision for the payment of the interest on the balances due to certain States, upon a final settlement of the accounts between the United States and the individual States.

Be it enacted, &c., That interest upon the balances reported to be due to certain States, by the Commissioners for settling accounts between the United States and individual States, be allowed, from the last day of December, one thousand seven hundred and eighty-nine, and to be computed to the last day of December, one thousand seven hundred and ninety-four, at the rate of four per centum per annum; and that the amount of such interest be placed to the credit of the State to which the same shall be found due, upon the books

of the Treasury of the United States, and shall bear an interest of three per centum per annum, from and after the said last day of December, one thousand seven hundred and ninety-four.

Sec. 2. And be it further enacted, That the interest on the said balances, reported by the said Commissioners as aforesaid, which shall be funded, agreeably to the terms of the act, entitled "An act to provide more effectually for the settlement of the accounts between the United States and the individual States," together with the interest on the amount placed to the credit of any such State, for arrearages of interest on such balances, agreeably to the terms of this act, be paid quarter-yearly, after the said last day of December, one thousand seven hundred and ninety-four; that is to say: one-fourth part thereof on the last days of March, June, September, and December, respectively, in each year, at the offices of the Commissioners of Loans, within such States as shall be entitled to receive the same; the first payment to be made on the last day of March, one thousand seven hundred and ninety-five: And for the payment of the said interest, so much of the duties arising, yearly, on imports and tonnage, from and after the last day of December, one thousand seven hundred and ninety-four, as may be necessary, and not heretofore otherwise appropriated, be, and the same is hereby, pledged and appropriated; and that the faith of the United States be, and the same is hereby, pledged to provide for any deficiency that may happen by such additional and permanent funds as may be necessary therefor.

Approved, May 31, 1794.

An Act to authorize the President of the United States to lay, regulate, and revoke Embargoes.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered, whenever in his opinion the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same, whenever he shall think proper; and the President is hereby fully authorized to give all such orders to the officers of the United States as may be necessary to carry the same into full effect: *Provided,* The authority aforesaid shall not be exercised while the Congress of the United States shall be in session. And any embargo which may be laid by the President, as aforesaid, shall cease and determine in fifteen days from the actual meeting of Congress next after laying the same.

Sec. 2. And be it further enacted, That this act shall continue and be in force until fifteen days after the commencement of the next session of Congress, and no longer.

Approved, June 4, 1794.

An Act providing for the payment of the second instalment due on a Loan made of the Bank of the United States.

Be it enacted, &c., That the President of the

Acts of Congress.

United States be, and he hereby is, authorized and empowered to apply two hundred thousand dollars of the proceeds of foreign Loans, heretofore transferred to the United States, in payment of the second instalment due to the Bank of the United States, upon a Loan of the said Bank, made pursuant to the eleventh section of the act for incorporating the subscribers to the said Bank; and that the annual period for the payment of each instalment of the said Loan shall be deemed to be the last day of December in each year.

SEC. 2. *And be it further enacted*, That a sufficient sum of the dividends which have accrued, or which shall hereafter accrue, on the stock owned by the United States, in the Bank of the United States, be, and the same is hereby, appropriated to the payment of the interest which has or shall become due on the Loans obtained as aforesaid.

Approved, June 4, 1794.

An Act for extending the benefit of a Drawback and terms of Credit, in certain cases, and for other purposes.

Be it enacted, &c., That in all cases where the term allowed by law for the exportation of goods, wares, or merchandise, with the benefit of a drawback of the duties thereupon, shall have expired after the last day of January last past, and previous to the last day of July next, there shall be allowed further time for the exportation, with the benefit aforesaid, until the said last day of July next.

SEC. 2. *And be it further enacted*, That on all bonds which may have been given for duties on coffee, sugar, and indigo, imported into the United States, and which shall be unpaid at the passing of this act, all that time from the last day of January last past to the last day of May instant, shall be considered as no part of the time allowed by law for the payment of the said duties, but the importer shall enjoy the same term of credit as if the said period had not intervened: *Provided*, That in every case where the extension of credit is claimed and granted under this act, new act bonds shall be given for the duties on which such credit is extended, with one or more sureties, to the satisfaction of the collector of the district.

SEC. 3. *And be it further enacted*, That in cases where the certificates and evidence now required by law for authorizing the payment of any drawback or allowance on any goods, wares, or merchandise, exported since the first day of July, one thousand seven hundred and ninety two, or which may be hereafter exported, are not and cannot be obtained, the exporter or exporters of such goods, wares, or merchandise, shall nevertheless be permitted to offer such other proof as to the delivery thereof, without the limits of the United States, as he or they may have, to the Comptroller of the Treasury, who shall, if the same proof shall be satisfactory to him, direct the payment of the drawback or allowance: *Provided, always*, That in no case shall a drawback be hereafter paid on any goods, wares, or merchandise, until the duties on the importation thereof shall have been first received.

Approved, June 4, 1794.

An Act laying duties upon Carriages for the conveyance of persons.

Be it enacted, &c., That there shall be levied, collected, and paid, upon all carriages for the conveyance of persons, which shall be kept by or for any person, for his or her own use, or to be let out to hire, or for the conveying of passengers, the several duties and rates following, to wit: For and upon every coach, the yearly sum of ten dollars; for and upon every chariot, the yearly sum of eight dollars; for and upon every phaeton and coachee, six dollars; for and upon every other four-wheel, and every two-wheel, top-carriage, two dollars; and upon every other two-wheel carriage, one dollar: *Provided, always*, That nothing herein contained shall be construed to charge with a duty any carriage usually and chiefly employed in husbandry, or for the transporting or carrying of goods, wares, merchandise, produce, or commodities.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied, collected, received, and accounted for, by and under the immediate direction of the supervisors and inspectors of the revenue, and other officers of inspection, subject to the superintendence, control, and direction of the Department of the Treasury, according to the authorities and duties of the respective officers thereof.

SEC. 3. *And be it further enacted*, That every person having or keeping a carriage or carriages, which, by this act, is or are made subject to the payment of duty, shall, within the month of September, in each year, make entry of the same with the officer of inspection of the district, in which he or she shall reside, and pay the duty thereon; and such entry shall be in writing, subscribed by the owner of such carriage or carriages, and shall describe each by its proper denomination and number of wheels. And, for the purpose of receiving such entry and payment, it shall be the duty of the supervisor of the district, or of some officer of inspection, to attend, within the month of September, in each year, at one of the most public and convenient places in each county, within their respective districts, and to give public notice, at least one month previous to such day, of the time and place of such attendance. And if any person, having or keeping a carriage, or carriages, charged with a duty or duties by this act, shall neglect or omit to bring, or send, and deliver, such list thereof, at or within any monthly period aforesaid, in manner above mentioned, or to pay the duty or duties thereupon payable, he or she shall, for every such neglect or omission, forfeit and pay a sum equal to the duty or duties payable upon the said carriage or carriages, in addition to the said duty or duties.

SEC. 4. *And be it further enacted*, That if any person having or keeping a carriage or carriages chargeable with any duty by this act, shall prefer, to the mode of payment herein before directed, that of paying the amount of the duties by him or her payable, upon demand of him or her made at his or her usual place of habitation, it shall be at

Acts of Congress.

his or her option to make payment in manner last mentioned, upon the condition following, that is to say: that he or she, if having or keeping a carriage or carriages, so liable to duty, on the first day of September next, shall, within the said month of September, or, if beginning to have or keep such carriage or carriages, at any time after the said first day of September, shall, within thirty days after he or she shall so begin to have or keep such carriage or carriages, give notice thereof in writing, at the office of inspection, nearest to his or her said place of habitation, by transmitting a list thereof, of the like kind and description with that directed and described in the third section of this act, and expressing thereupon, that he or she doth elect to pay the yearly duty or duties payable upon the carriage or carriages therein mentioned, upon demand of him or her, at his or her said place of habitation, and upon this further condition, that he or she shall pay, upon such demand, in addition to the said duty or duties, a commission of one per centum upon the amount thereof, for the benefit of the officer or person by whom the said demand shall have been made.

SEC. 5. *And be it further enacted*, That every person who shall make such election, as aforesaid, shall pay, or cause to be paid yearly, and every year after the month of September, upon the calling for that purpose, at his or her said place of habitation, of any officer of inspection, or person thereunto authorized, the amount of duty or duties by him or her payable, upon the carriage or carriages, whereof he or she shall have transmitted a list, as aforesaid, so long as he or she shall continue to have or keep the same, and until he or she shall give notice in writing, at the office of inspection, to which the said list shall have been transmitted, that he or she hath sold, or otherwise assigned, or alienated, any carriage or carriages therein mentioned: in default of which payment, the duty or duties, and commission thereupon, in respect to which any such default shall be made, shall and may be sued for and recovered in any Court of the United States, or of either of them, or shall and may be levied, together with reasonable charges, by distress and sale of the goods and chattles of the person making such default.

SEC. 6. *And be it further enacted*, That if any person, by whom such election as aforesaid shall have been made, shall omit to notify, in manner herein before directed, any carriage or carriages liable to duty, by this act, which he or she shall, at any time, have or keep, he or she shall, in respect to such carriage or carriages, stand and be in the same predicament as persons by whom no such election shall have been made, and shall incur the like penalties and forfeitures, as such persons are by this act made liable to, for neglecting or omitting to bring, or send and deliver, true and exact lists of the carriages by them respectively had or kept, and paying the duties thereupon in manner herein directed.

SEC. 7. *Provided always, and be it further enacted*, That it shall be, at any time, lawful for any such person, who shall have made any such election, as aforesaid, by notice in writing under

his or her hand, sent to and delivered at the same office of inspection, where the notice of such election shall have been given, to revoke the said election; after which revocation, he or she shall stand, and be, as to all matters and things directed and prescribed by this act, in the same situation as if no such election had been made.

SEC. 8. *And be it further enacted*, That the supervisors of the revenue shall have power, from time to time, to examine upon oath or affirmation any officers or persons employed under them in the collection and receipts of the duties aforesaid.

SEC. 9. *And be it further enacted*, That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he or she shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury; and, if an officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

SEC. 10. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall be incurred pursuant to this act, shall be divided and distributed, one-half thereof to the use of the United States, and the other half thereof to the use of the person, who, if an officer of inspection, shall first discover, if not an officer of inspection, shall first give information of the cause, matter, or thing, whereby any of the said penalties or forfeitures shall have been incurred, and as well the duties hereby laid, as the said fines, penalties, and forfeitures, all or any of them, shall and may be sued for, and recovered, in any Court of the United States, or before any magistrate, or State Court, having competent jurisdiction.

SEC. 11. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress and no longer.

Approved, June 5, 1794.

An Act to authorize the President of the United States, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys, or otherwise, in the service of the United States.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, during the recess of the present Congress, if the same shall appear to him necessary for the protection of the United States, to cause a number of vessels not exceeding ten, to be built or purchased, and to be fitted out, manned, armed, and equipped, as galleys, or otherwise, in the service of the United States, the officers and men to be on the same pay and to receive the same subsistence as officers of the same rank and men are entitled to in the Navy of the United States.

SEC. 2. *And be it further enacted*, That the said officers shall be appointed and commissioned by the President of the United States, and the said galleys or vessels be stationed in such parts of the United States as he may direct.

SEC. 3. *And be it further enacted*, That there

Acts of Congress.

be appropriated for the purpose aforesaid, the sum of eighty thousand dollars, to be paid out of the proceeds of any revenues of the United States which now are, or hereafter, during the present session, shall be provided, not being otherwise appropriated. And that the President of the United States be authorized to take on loan of the Bank of the United States, or of any other body politic or corporate, person or persons, the said sum of eighty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds, appropriated, as aforesaid, according to such contract or contracts which shall be made concerning the same.

Approved, June 5, 1794.

An Act authorizing a settlement of certain expenses of the Commissioners of Loans.

Be it enacted, &c., That the Commissioners of Loans in the several States shall be allowed, in the settlement of their accounts, such sums as shall appear to have been necessarily expended by them in the purchase of stationery for the use of their several offices, and also for the hire of clerks to assist in executing the duties of their respective offices, from and after the first day of March, one thousand seven hundred and ninety-three, until the last day of the year one thousand seven hundred and ninety-four, inclusively.

Sec. 2. And be it further enacted, That a sufficient sum of the proceeds of the duties on imports and tonnage, not exceeding the sum of fifteen thousand dollars, be, and the same is hereby, appropriated, to the payment of such of the expenses before mentioned as shall accrue during the present year and be allowed on settlement at the Treasury.

Approved, June 5, 1794.

An Act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail.

Be it enacted, &c., That every person who shall deal in the selling of wines, to be carried or sent out of the house, building, or place of his or her dwelling, in a less quantity, or in less quantities, at one time, than thirty gallons, except in the original cask, case, box, or package, wherein the same shall have been imported, shall be deemed to be, and hereby is declared to be, a retail dealer in wines, within the meaning of this act; and that every person, who shall deal in the selling of any foreign distilled spirituous liquors, to be carried or sent out of the house, building, or place of his or her dwelling, in less quantities than twenty gallons, at one time, shall be deemed to be, and hereby is declared to be a retail dealer in foreign distilled spirituous liquors: *Provided always,* That nothing herein contained shall be construed to extend to persons, who, as keepers of taverns, inns, or houses of entertainment, duly licensed or authorized under any law of a State, shall vend or sell really and truly for consumption, within the houses, buildings, or premises, only, by them respectively occupied or kept, as taverns, inns, or other houses of entertain-

ment, wines or distilled spirituous liquors, in whatsoever quantity, nor to physicians, apothecaries, surgeons, or chemists, as to any wines or spirituous liquors, which they may use in the preparation or making up of medicines, for sick, lame, or diseased persons only.

Sec. 2. And be it further enacted, That every person, who, on the thirtieth day of September next, shall be a retail dealer in wines, or foreign distilled spirituous liquors, as above described and defined, both, or either of them, shall, before the said day, and every person, who, after the said day, shall become or intend to become such retail dealer in wines or foreign distilled spirituous liquors, both or either of them shall, before he or she shall begin to vend or sell by retail, any wine or wines, or foreign distilled spirituous liquors, apply for and obtain, in manner hereinafter directed, a license for carrying on the business of retailing wines or foreign distilled spirituous liquors, as the case may be, that is to say: one license for carrying on the business of retailing wines, and another license for carrying on the business of retailing foreign distilled spirituous liquors; which licenses respectively, shall be granted for the term of one year upon the payment of five dollars for each license; and shall be renewed, yearly, upon the payment of the like sum of five dollars for each license. And if any person shall, after the said day, deal in selling of wines or foreign distilled spirituous liquors, by retail, as above described and defined, without having a license therefor, as aforesaid, continuing in force, such person shall forfeit and pay the sum of fifty dollars, to be recovered with costs of suit. And no such license shall be sufficient for the selling of wines or foreign distilled spirituous liquors, by retail at more than one place; but any person, who by color of such license shall sell any wines or foreign distilled spirituous liquors, at more than one place, shall be deemed to be, in respect to such of the said articles, as he or she shall so sell, at more than one place, a retail dealer therein without license, and shall forfeit and pay the like sum of fifty dollars, to be recovered with costs of suit.

SEC. 3. And be it further enacted, That it shall be the duty of the Supervisors of the Revenue, within their respective districts, to grant licenses for carrying on the said businesses, respectively, of retailing wines and foreign distilled spirituous liquors, which licenses shall be marked or stamped with a mark or stamp, denoting the sum of the duty thereupon; and shall be signed by the Supervisor of the Revenue, who shall issue the same, or cause the same to be issued, and shall be granted to any person, who shall desire the same upon application made at any office of inspection, for that purpose, in writing, specifying the name of the person for whom a license is requested, and the place or premises where the business, for which the same is requested to be carried on, and also upon payment or tender to the officer thereof, of the sum or duty payable by this act, upon each license requested. And to the end that all persons carrying on or intending to carry on, both or either of the said businesses, may obtain with

Acts of Congress.

ease and despatch the licenses, whereof they shall respectively stand in need, it is hereby made the duty of the respective Supervisors to prepare and furnish to the several Officers of Inspection acting under them, licenses signed by them with the proper marks and stamps in competent number, and with blanks for the names of the persons for whom they shall be requested, and the places or premises respectively where the business or businesses for which they are requested, is or are to be carried on. And the Officer of Inspection to whom such application and payment, or tender as aforesaid, shall be made, shall forthwith issue the license or licenses requested, having first filled the blanks therein, and countersigned the same: *Provided always*, That no license shall be granted to any person to sell wines or foreign distilled spirituous liquors, who is prohibited to sell the same by the laws of any State.

Sec. 4. *And be it further enacted*, That the duties aforesaid, shall be received, collected, accounted for, and paid under and subject to the superintendence, control, and direction of the Department of the Treasury, according to the authorities and duties of the respective officers thereof.

Sec. 5. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered, in the name of the United States, or of the Supervisor of the Revenue, within whose district any such fine, penalty, or forfeiture shall have been incurred, by bill, plaint, or information, one moiety thereof to the use of the United States, and the other moiety thereof, to the use of the person, who, if an Officer of Inspection, shall first discover, if other than an Officer of Inspection, shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture shall have been incurred, and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a District Court within the district in which the same shall arise or accrue, such suit and recovery may be had before any Court of the State holden within the said district having jurisdiction in like cases.

Sec. 6. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered, to make such allowances for compensation to the Officers of Inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole, two and a half per centum of the total amount of the said duties collected.

Sec. 7. *And be it further enacted*, That this act shall continue and be in force for the term of two years, and from thence to the end of the then next session of Congress and no longer.

Approved, June 5, 1794.

An Act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas.

Be it enacted, &c., That, in order to facilitate

and secure the collection of the revenue on distilled spirits, and stills, in such States as have been, or hereafter may be, erected, and in the Territories Northwest and South of the river Ohio, the President of the United States shall be and he is hereby authorized and empowered to form and erect such new districts and surveys, and to make such alterations in and additions to, the several districts, and in and to the several surveys thereof, as, from time to time, shall appear in his judgment expedient and necessary; and that it shall also be lawful for the President, by and with the advice and consent of the Senate, to appoint such and so many supervisors, inspectors of surveys, and inspectors of ports, therein and therefor, as may be found necessary; and to assign to them compensations proportionate to those heretofore, or which may hereafter be, allowed to the officers of the revenue: *Provided*, That if the appointment of such supervisors and inspectors cannot be made during the present session of Congress, the President may, and he is hereby empowered to, make such appointments, during the recess of the Senate, by granting commissions, which will expire at the end of their next session.

Sec. 2. *And be it further enacted*, That all spirits which shall be distilled in the United States, in stills which shall not have been previously entered at some office of inspection, shall be liable, together with the stills or other vessels used in the distillation thereof, to seizure and forfeiture.

Sec. 3. *And be it further enacted*, That no drawback of the duty on distilled spirits, which shall be exported after the first day of July next, shall be allowed upon any quantity less than one hundred and fifty gallons.

Sec. 4. *And be it further enacted*, That it shall be lawful to import into the United States, in the same ship or vessel in which they were exported, any spirits distilled therein, which shall have been previously exported therefrom, on payment of the duties on spirits, of equal proof, distilled in the United States, and of a sum equivalent to the duties established by law upon the raw materials, from whence they shall have been distilled; and all such importations shall be made under the same regulations, and in such manner as is directed by law, in regard to the importation of foreign distilled spirits.

Sec. 5. *And be it further enacted*, That, from and after the first day of July next, on the sale of any emptied cask, vessel, or package, which has been, or shall be, lawfully marked, as containing foreign or domestic distilled spirits, wines, or teas, and prior to the removal thereof, and to the delivery of the same to the purchaser, the marks or numbers which shall or may have been made thereon, by any officer of inspection, or by any person employed or authorized by any such officer, shall be defaced, cut off, or obliterated; and if any such cask, vessel, or package shall be sold, removed, delivered, or received, prior to such defacing, cutting off, or obliterating being made, every person concerned in the purchase, sale, or delivery, shall forfeit and pay the sum of fifty dollars.

Acts of Congress.

SEC. 6. *And be it further enacted*, That all stills without heads, or other vessels that shall be used as stills in the distillation of ardent spirits, shall be duly entered by the owner or owners thereof, in the manner prescribed in and by the second section of the act entitled "An act concerning the duties on spirits distilled within the United States," passed on the eighth day of May, one thousand seven hundred and ninety-two, under the penalty of two hundred and fifty dollars, to be recovered and distributed as other forfeitures under this act, and the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," to which this is an amendment.

SEC. 7. *And be it further enacted*, That any person or persons, who shall counterfeit the certificates for, or the marks or numbers to be set upon, any cask, vessel, or package, containing wines, teas, or foreign or domestic distilled spirits, or upon stills, which the officers of inspection are or shall be authorized to make thereon, by and in pursuance of the laws concerning the same, or who shall fraudulently rub out or deface, prior to drawing off or emptying the contents, any marks or numbers set upon any cask or package of wine or tea, in pursuance of law, shall, for every such offence, forfeit and pay the sum of one hundred dollars.

SEC. 8. *And be it further enacted*, That every owner or worker of a licensed still, shall be required to make oath or affirmation previous to any renewal of his license, that he has not distilled therein since the commencement of the term specified in such license, excepting only during the term for which it shall have been granted.

SEC. 9. *And be it further enacted*, That it shall and may be lawful for the Judicial Courts of the several States, and of the Territory of the United States Northwest of the river Ohio, and of the Territory of the United States South of the river Ohio, to take cognizance of all and every suit and suits, action and actions, cause and causes, arising under or out of the laws for collecting a revenue upon spirits distilled in the United States, and upon stills, which may arise or accrue at a greater distance than fifty miles from the nearest place established by law for holding a District Court.

SEC. 10. *And be it further enacted*, That, in case of the non-existence of an office of inspection in any county of the United States, every owner or possessor of a still shall make entry thereof in the manner required by the "Act (of the eighth of May, one thousand seven hundred and ninety-two) concerning the duties on spirits distilled within the United States," at some other office of inspection comprehended in the division or survey, in which the said still shall be; and that it shall and may be lawful for the President of the United States, to provide offices of inspection in special cases, provided the expense thereof shall not exceed ten thousand dollars.

SEC. 11. *And be it further enacted*, That every

rectifier of low wines, or other distilled spirits, and every distiller of cordials and strong waters therefrom, shall enter at some office of inspection, all or any such low wines, or other distilled spirits, prior to the removal of them to his distillery or rectifying house, and prior to his beginning the rectifying, improving, or altering the quality, flavor, or proof thereof, under the penalty of one hundred dollars for every cask of one hundred gallons, and in the same proportion for every greater or less quantity.

SEC. 12. *And be it further enacted*, That it shall and may be lawful for the supervisors and inspectors of the revenue, at their own expense, to appoint deputies to aid them in the execution of their duties, in cases of occasional and necessary absence, or of sickness, and not otherwise.

SEC. 13. *And be it further enacted*, That the President of the United States be authorized to make such additional allowances for the space of one year, and from thence until the end of the next session of Congress, to the inspectors and collectors of revenue from distilled spirits, for their respective services subsequent to the thirtieth day of June next, as he shall deem reasonable and proper, so as that the additions to be made to the said allowances shall not exceed, in the whole, the sums heretofore allowed, by more than one-third.

SEC. 14. *And be it further enacted*, That, from and after the first day of October next, no supervisor or inspector of the revenue of the United States, shall be concerned or interested in any foreign trade or commerce, in the goods or merchandise to which the duties of his office relate, or in the sale of any wines, distilled spirits, or teas; and if any such supervisor or inspector shall be so concerned or interested, every such person shall be disqualified from holding such appointment for the term of seven years, and shall, moreover, forfeit and pay a sum not exceeding one hundred dollars, for every month which he or they shall be so interested in such foreign trade, or in the sale of wines, distilled spirits, or teas.

SEC. 15. *And be it further enacted*, That any proprietor of a still, the capacity of which does not exceed one hundred gallons, may be permitted to enter such still, for any term of time less than one year, and not less than one month, paying at the same rate as per month, any thing in any former law to the contrary notwithstanding.

SEC. 16. *And be it further enacted*, That a personal demand of the proprietor or proprietors of any still, of the duties due, or a notice in writing of the amount thereof left at his dwelling by the collector, shall have all the effect of a demand made, as required by the twenty-third section of the act, entitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

SEC. 17. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall have been incurred by force of any present or future

Acts of Congress.

law of the United States for the laying, levying, and collecting of any duties or taxes, other than duties on goods, wares and merchandise imported, and on the tonnage of ships and vessels, shall and may be mitigated or remitted by the like ways and means, and upon and under the like conditions, regulations, and restrictions, as are contained, prescribed, authorized, and directed, in and by the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," touching fines, penalties, and forfeitures incurred or accruing in relation to the cases therein mentioned; which act, and every clause, matter, and thing therein contained, shall be of like force and effect, for the mitigating or remitting of fines, penalties, and forfeitures, which shall have been incurred in reference to said other duties and taxes, as if the same were repeated and re-enacted, in the several and respective laws for laying, levying, and collecting the said other duties and taxes.

SEC. 18. *And be it further enacted*, That the Judicial Courts of the several States, to whom, by this act, a jurisdiction is given, shall and may exercise all and every power in the cases cognizable before them, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture which may be exercised by the Judges of the District Courts in cases depending before them. The said State Courts first causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney, who may, under warrant from the attorney of the district, prosecute for the United States, in such Court, that each may have an opportunity of showing cause against the mitigation or remission thereof.

SEC. 19. *And be it further enacted*, That the act, entitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," and the act, entitled "An act concerning duties on spirits distilled in the United States," shall extend to and be in full force for the recovery and distribution of the penalties and forfeitures herein contained, and generally for the execution of this act, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter, and thing, therein contained, were inserted in and re-enacted by this present act, subject only to the alterations hereby made.

Approved, June 5, 1794.

An Act in addition to the act for the punishment of certain crimes against the United States.

Be it enacted, &c., That if any citizen of the United States shall, within the territory or jurisdiction of the same, accept and exercise a commission to serve a foreign Prince or State, in war, by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined, not more

than two thousand dollars, and shall be imprisoned not exceeding three years.

SEC. 2. *And be it further enacted and declared*, That, if any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered in the service of any foreign Prince or State, as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque, or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years: *Provided*, That this shall not be construed to extend to any subject or citizen of a foreign Prince or State who shall transiently be within the United States, and shall, on board of any vessel of war, letter of marque, or privateer, which, at the time of its arrival within the United States, was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign Prince or State, who is transiently within the United States, to enlist or enter himself to serve such Prince or State, on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such Prince or State: *And provided further*, That if any person so enlisted shall within thirty days after such enlistment, voluntarily discover upon oath, to some justice of the peace or other civil magistrate, the person or persons by whom he was so enlisted, so as that he or they may be apprehended and convicted of the said offence, such person, so discovering the offender or offenders, shall be indemnified from the penalty prescribed by this act.

SEC. 3. *And be it further enacted and declared*, That, if any person shall, within any of the ports harbors, bays, rivers, or other waters of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, to cruise or commit hostilities upon the subjects, citizens, or property of another foreign Prince or State, with whom the United States are at peace, or shall issue or deliver a commission, within the territory or jurisdiction of the United States, for any ship or vessel, to the intent that she may be employed as aforesaid, every such person so offending shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the Court in which the conviction shall be had, so as the fine to be imposed shall in no case be more than five thousand dollars, and the term of imprisonment shall not exceed three years; and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building or equipment thereof, shall be forfeited, one-half to the use of any person who shall give

Acts of Congress.

information of the offence, and the other half to the use of the United States.

SEC. 4. *And be it further enacted and declared,* That, if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, cruiser, or armed vessel, in the service of a foreign Prince or State, or belonging to the subjects or citizens of such Prince or State, the same being at war with another foreign Prince or State, with whom the United States are at peace, by adding to the number or size of the guns of such vessel prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person so offending shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be fined and imprisoned, at the discretion of the Court in which the conviction shall be had, so as that such fine shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

SEC. 5 *And be it further enacted and declared,* That, if any person shall, within the territory or jurisdiction of the United States, begin or set on foot or provide or prepare the means for any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign Prince or State with whom the United States are at peace, every such person so offending, shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment, at the discretion of the Court in which the conviction shall be had, so as that such fine shall not exceed three thousand dollars, nor the term of imprisonment be more than three years.

SEC. 6. *And be it further enacted and declared,* That the District Courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

SEC. 7. *And be it further enacted and declared,* That, in every case in which a vessel shall be fitted out and armed, or attempted so to be fitted out, or armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot, contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States, as above defined, and in every case in which any process issuing out of any Court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel, of any foreign Prince or State, or of the subjects or citizens of such Prince or State, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be judged

necessary, for the purpose of taking possession of, and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories of the United States against the territories or dominions of a foreign Prince or State, with whom the United States are at peace.

SEC. 8. *And be it further enacted and declared,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary, to compel any foreign ship or vessel to depart the United States, in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

SEC. 9. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the United States.

SEC. 10. *And be it further enacted,* That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, June 5, 1794.

An Act laying certain duties upon Snuff and Refined Sugar.

Be it enacted &c., That, from and after the thirtieth day of September next, there be levied, collected, and paid, upon all snuff, which, after that day, shall be manufactured for sale within the United States, at any manufactory, for every pound of snuff, eight cents.

SEC. 2. *And be it further enacted,* That, from and after the said thirtieth day of September next, there be levied, collected, and paid, upon all sugar which shall be refined within the United States, a duty of two cents per pound.

SEC. 3. *And be it further enacted,* That the duties aforesaid shall be levied, collected, and accounted for by the same officers as are provided by the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same;" subject to the superintendence and control of the Department of the Treasury, according to the respective authorities and duties of the officers thereof.

SEC. 4. *And be it further enacted,* That every manufacturer of snuff, who shall be such, previous to, and on the thirtieth day of September next, shall, on the same day, and every manufacturer of snuff, who shall be, and become such, after the said day, shall, twenty days, at the least, previous to commencing the business or trade of manufacturing snuff for sale, make true and ex-

act entry and report in writing, at the office of inspection, which shall be nearest to the house or building where he or she shall carry on, or intend to carry on the business or trade aforesaid, of every house or building where such business or trade shall be by him or her carried on, or intended so to be, and of every mill, specifying the number of mortars to each, which he or she shall have or keep therein, for the performing of any process, operation, matter, or thing, in, or about the manufacturing of snuff, and shall also give bond in the sum of five thousand dollars, with condition, that he or she shall, and will, from day to day, enter in a book, or on a paper to be kept for that purpose, all snuff, which he or she shall manufacture, or cause to be manufactured, and of the quantities, from day to day, by him or her sent out, or caused to be sent out of the house or building, where the same shall have been manufactured; and shall and will, on the first day of January, April, July, and October, in each year, render a just and true account of all the snuff, which he or she shall have manufactured or made, and sent out, or caused or procured to be manufactured, or made and sent out, first from the time of his or her entry and report aforesaid, until the day which shall first ensue, of the days above mentioned for the rendering of such account, and thenceforth, successively, from the time when such account ought to have been, and up to which, it shall have been last rendered, until the day next thereafter, of the days above-mentioned for the rendering of such account; producing therewith the original book or paper, whereon the entries, from day to day, to be made, as aforesaid, have been made, and shall, at the time of rendering each account, pay or secure the duties, which, by this act, ought to be paid upon the snuff, in the said account mentioned and stated: And if any such manufacturer shall omit to make any such entry or report, or to give any such bond as is hereinbefore directed, he or she shall forfeit and lose every mill, together with the mortars and other utensils thereto belonging, which he or she shall have or keep, for the performing of any process, matter, or thing, in, or about the manufacturing of snuff, and shall also forfeit and pay the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 5. *And be it further enacted*, That every refiner of sugar, who shall be such, immediately before, and on the thirtieth day of September next, shall, on the said day, and every refiner of sugar, who shall be, and become such, after the said day, shall, twenty days, at the least, previous to commencing the business of refining sugar, make true and exact entry and report in writing, at the office of inspection, which shall be nearest to the house or building, where he or she shall carry on, or intend to carry on, the said business, of every house or building, where such business shall be by him or her carried on, or intended so to be, and of every pan or boiler, together with the capacity of each, which he or she shall have, or employ, for the purpose of refining sugar, and shall also give bond in the sum of five thousand dol-

lars, with condition, that he or she shall and will enter or cause to be entered, in a book or paper, to be kept for that purpose, all sugar, which he or she shall refine, or cause to be refined, and of the quantities, from day to day, by him or her sent out, or caused to be sent out of the house or building, where the same shall have been refined, and shall, on the first day of January, April, July, and October, in each year, render a just and true account of all the refined sugar, which he or she shall have sent out, or caused or procured to be sent out, from the first time of his or her entry, and report aforesaid, until the day, which shall first ensue, of the days above mentioned, for the rendering of such account; and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been last rendered, until the day next thereafter of the days above mentioned for the rendering of such account, producing and showing therewith, the original book or paper, whereon the entries, from day to day, to be made as aforesaid, have been made; and he or she shall, at the time of rendering each account, pay or secure the duties, which by this act ought to be paid upon the refined sugar in the said account mentioned. And if any such refiner shall omit to make any such entry or report, he or she shall forfeit, and lose every pan or boiler which he or she shall have, and use, for the purpose of refining sugar, and shall also forfeit the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 6. *And be it further enacted*, That every such manufacturer of snuff shall, yearly, being thereunto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts which have been by him or her rendered, of the quantities of snuff by him or her manufactured or made, and sent out, or caused or procured to be manufactured or made, and sent out, have been, and are, just and true.

SEC. 7. *And be it further enacted*, That every refiner of sugar shall, yearly, being thereunto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts which have been by him or her rendered, of the quantities of refined sugar by him or her sent out of the house or building, where the same shall have been manufactured, or procured, or caused so to be sent out, have been just and true.

SEC. 8. *And be it further enacted*, That if any person shall knowingly, and with design, falsely swear or affirm, touching any of the matters herein before required to be verified by oath or affirmation, he or she shall be deemed guilty of wilful and corrupt perjury.

SEC. 9. *And be it further enacted*, That every manufacturer of snuff and every refiner of sugar, shall, at each time of rendering an account, as herein before required, make a true and particular report of the engines, implements, and utensils, of the several descriptions herein before mentioned, which he or she, at any time since that of rendering his or her last account, hath used or kept, and

Acts of Congress.

shall then have, use, or keep, for carrying on his or her trade or business, on pain of forfeiting, for each and every neglect or omission, all such engines, implements, and utensils, together with the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 10. *And be it further enacted*, That all snuff and refined sugar, which shall have been manufactured or made within the United States, in manner aforesaid, after the said thirtieth day of September next, whereof the duties aforesaid have not been duly paid or secured, according to the true intent and meaning of this act, shall, upon default being made in the paying or securing of the said duties, be forfeited, and shall and may be seized, as forfeited, by any officer of the inspection or of the customs.

SEC. 11. *And be it further enacted*, That it shall be lawful for every such manufacturer of snuff, or refiner of sugar, at his or her option, either to pay, upon the rendering of his or her account, as aforesaid, the duties which shall thereby appear to be due and payable, with a deduction or abatement of six per cent for prompt payment, or to give bond, with one or more sureties, to the satisfaction of the officer of inspection, to whom such account shall be rendered, for the payment of the said duties at the expiration of nine months thereafter: *Provided*, That no person, whose bond for any of the said duties shall remain unpaid, beyond the term allowed for the payment thereof, shall be entitled to future credit for any of the said duties, so long as such bond shall remain unpaid.

SEC. 12. *And be it further enacted*, That, from and after the said thirtieth day of September next, there shall be levied, collected, and paid (in addition to the duties now payable thereupon) upon all manufactured tobacco or snuff, and upon all refined sugar, which, after the said day, shall be imported into the United States, from any foreign port or place, the following rates and duties, to wit:

Upon tobacco, four cents per pound.

Upon snuff, twelve cents per pound.

Upon refined sugar, four cents per pound.

Which duties shall be collected in the same manner, by the same officers, under the like regulations, and subject to the like pains, penalties, and forfeitures, as now are collected the duties heretofore laid upon the said articles respectively; the act and acts concerning which are hereby declared to be, and shall be in as full force, for the collection of the additional duties hereby paid, as if the said act and acts were herein particularly recited and repeated.

SEC. 13. *And be it further enacted*, That, from and after the thirty-first day of December next, no refined loaf or lump sugar shall be imported into the United States, from any foreign port or place, except in ships or vessels of the burden of one hundred and twenty tons and upwards, and in casks or packages containing, each, not less than six hundred pounds, on pain of forfeiting the said ships or vessels, and the loaf and lump sugar imported therein, except in such casks or packages as aforesaid.

SEC. 14. *And be it further enacted*, That, from and after the thirtieth day of September next, no drawback of the duties from any manufactured tobacco, or snuff, or refined sugar, shall have been imported into the United States from any foreign port or place, shall be allowed, but the duties hereby laid upon snuff manufactured within the United States, and sugar refined within the same, shall and may be drawn back upon all such of the said snuff manufactured within the United States and upon all such of the said sugar refined within the United States, after the said thirtieth day of September next, which, after the said day, shall be exported from the United States to any foreign port or place; and adding to the drawback upon sugar so exported, three cents per pound, on account of duties paid upon the importation of raw sugar. *Provided*, That no drawback shall be allowed on the exportation of either of the said articles in any instance where the same shall amount to less than twelve dollars.

SEC. 15. *And be it further enacted*, That, in order to entitle the exporter or exporters to the benefit of the said allowances, he, she, or they shall, previous to the putting or lading any of the said snuff or refined sugar on board of any ship or vessel for exportation, give six hours' notice at the least, to the proper officer of inspection of the port from which the said snuff or sugar shall be intended to be exported, of his, her, or their intention to export the same, and of the number of packages containing the same, and the respective marks thereof, and the place or places where deposited, and of the place to which, and ship or vessel in which they or either of them shall be so intended to be exported. Whereupon, it shall be the duty of the said officer to inspect, by himself or deputy, the packages so notified for exportation, and the same, after such inspection, shall be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer or his deputy, who shall have inspected the same; which officer, after the same shall have been so laden on board, shall certify to the Collector of the District, the quantity and particulars of the article or articles so laden for exportation.

SEC. 16. *Provided nevertheless, and be it further enacted*, That the said allowance shall not be made, unless the said exporter or exporters shall make oath or affirmation, that the said snuff or sugar so noticed for exportation and laden on board such ship or vessel, are truly intended to be exported to the place, whereof notice shall have been given, and are not intended to be relanded within the United States, and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid or secured to be paid; and shall also give bond to the Collector, with two sureties, one of whom shall be the master, or other person having the command or charge of the ship or vessel in which the said snuff or sugar shall be intended to be exported; the other, such sufficient person as shall be approved by the said Collector, in the full value, in the judgment of the said Collector, of

the said snuff or sugar so intended to be exported, with condition that the said snuff or sugar (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in, some port or place without the limits of the United States, and that the said snuff or sugar shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the United States, or reloaded in any other part of the same, (shipwreck or other unavoidable accident excepted.)

SEC. 17. *Provided also, and be it further enacted*, That the said allowance shall not be paid until nine months after the said snuff or sugar shall have been so exported: *And provided also*, That whenever the owner of any ship or vessel, on board of which, any such snuff or sugar are laden for exportation, shall make known to the Collector, previous to the departure of such ship or vessel from the port where such snuff or sugar are laden, that such ship or vessel is not going to proceed on the voyage intended, or the voyage is altered, it shall be lawful for the Collector to grant a permit for reloading the same.

SEC. 18. *And be it further enacted*, That if any of the said snuff or sugar, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be reloaded within the United States, from on board the ship or vessel, wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of necessity or distress, to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be, at the time such necessity or distress shall arise, then not only the snuff or sugar so unshipped, together with the casks, vessels, and cases containing the same, but also the ship or vessel, in, or on board of which, the same shall have been so shipped or laden, together with the guns, furniture, ammunition, tackle and apparel, and also the ship, vessel, or boat, into which the said snuff or sugar shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle, and apparel, shall be forfeited, and may be seized by any officer of the customs or of inspection.

SEC. 19. *And be it further enacted*, That the bonds to be given, as aforesaid, shall, and may be discharged, by producing, within one year from the respective dates thereof (if the same shall be shipped to any part of Europe or America, and within two years, if shipped to any part of Asia or Africa; and if the delivery of the snuff or sugar, in respect to which the same shall have been given, be at any place, where a consul or other agent of the United States resides) a certificate of such consul or agent, or if there be no consul or agent, then a certificate of any two known and reputable American merchants resid-

ing at the said place; and if there be not two such merchants residing at the said place, then a certificate of any two reputable merchants testifying the delivery of the said snuff or sugar, at the said place. Which certificate shall, in each case, be confirmed by the oath or affirmation of the master and mate, or other like officer of the vessel in which the said snuff or sugar shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not, upon diligent inquiry, to be found two merchants of the United States at the said place: *Provided always*, That in case of death, the oath or affirmation of the party dying shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and seal, shall be of the same validity as if taken before a person qualified to administer oaths within the United States; or such bonds shall and may be discharged, upon proof that the snuff or sugar so exported, were taken by enemies, or perished in the sea, or destroyed by fire: The examination and proof of the same being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such snuff or sugar shall have been exported. And in cases wherein the certificates herein directed cannot be obtained, the exporter or exporters of such snuff or sugar shall nevertheless be permitted to offer such other proof as to the delivery of the said snuff or sugar, without the limits of the United States, as he or they may have; and if the same shall be deemed sufficient by the said Collector, he shall allow the same, except when the drawback to be allowed shall amount to one hundred dollars or upwards: In all which cases, the proofs aforesaid shall be referred to the Comptroller of the Treasury, whose decision thereon shall be final.

SEC. 20. *And be it further enacted*, That it shall be lawful to export, directly, from any manufactory of snuff, or of refined sugar, to any foreign port or place, any snuff or refined sugar which shall have been manufactured at such manufactory, after the said thirtieth day of September next, free from duty: *Provided*, That the same proceedings be had, in all respects, in order thereto, which are herein before prescribed, in order to the obtaining the benefit of the drawbacks of the duties which have been paid, or secured, upon any snuff or sugar exported to a foreign port or place.

SEC. 21. *And be it further enacted*, That all penalties and forfeitures which shall be incurred pursuant to this act, shall be divided and distributed, one-half thereof to the use of the United States, and the other half thereof to the use of the person who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter, or thing, whereby any of the said penalties or forfeitures shall have been incurred.

Acts of Congress.

SEC. 23. *And be it further enacted*, That this act shall continue and be in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, June 5, 1794.

An Act in addition to the "Act for making further and more effectual provision for the protection of the frontiers of the United States."

Be it enacted, &c., That if any commissioned officer in the troops of the United States shall, while in the service of the United States, die, by reason of wounds received in actual service of the United States, and shall leave a widow, or, if no widow, shall leave a child or children, under age, such widow, or, if no widow, such child or children, shall be entitled to, and receive the half of the monthly pay, to which the deceased was entitled, at the time of his death, for and during the term of five years: And in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half-pay, for the remainder of the term, shall go to the child or children of such deceased officer, while under the age of sixteen years; and, in like manner, the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, That no greater sum shall be allowed, in any case, to the widow, or to the child or children of any officer, than the half pay of a lieutenant-colonel.

SEC. 2. *And be it further enacted*, That the Army be in future paid in such manner that the arrears shall at no time exceed two months.

SEC. 3. *And be it further enacted*, That to such of the troops as are or may be employed on the frontiers, and under such special circumstances as, in the opinion of the President of the United States, may require an augmentation of some parts of their rations, the President be authorized to direct such augmentation as he may judge necessary, not exceeding four ounces of bread, two ounces of flour, and half a gill of rum or whiskey, in addition to each ration, and half a pint of salt to one hundred rations.

Approved, June 7, 1794.

An act to continue in force, for a limited time, the act supplementary to the act for the establishment and support of Light-houses, Beacons, Buys, and Public Piers.

Be it enacted, &c., That the act, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," be, and the same is hereby, continued in force, until the first day of July, one thousand seven hundred and ninety-five, so far as the same provides for defraying the necessary expense of supporting light-houses, beacons, buoys, and public piers, and the stakeage of channels on the sea-coast.

Approved, June 7, 1794.

An Act laying additional Duties on Goods, Wares, and Merchandise, imported into the United States.

Be it enacted, &c., That, from and after the last day of June, instant, there shall be levied, collected, and paid, upon the following articles, imported into the United States, in ships or vessels of the United States, the several duties hereinafter mentioned, over and above the duties now payable by law, viz:

On coffee, clayed or lump sugar, per pound, one cent.

On cocoa, per pound, two cents.

On cheese, per pound, three cents.

On boots, per pair, twenty five cents.

On shoes and slippers for men and women, and on clogs and goloshoes, per pair, five cents.

On shoes and slippers for children, per pair, three cents.

On coal, per bushel, one half a cent.

On millinery, ready made, artificial flowers, feathers, and other ornaments for women's head-dresses, and on dolls, dressed and undressed, 5 per cent. ad valorem.

On cast, slit, and rolled iron, and generally on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, anvils, and vices, excepted,) 5 per cent. ad valorem.

On carpets and carpeting, 5 per cent. ad valorem.

On leather, tanned or tawed, and generally all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated, 5 per cent. ad valorem.

On medicinal drugs, except those commonly used in dying, 5 per cent. ad valorem.

On mats and floor cloths, 5 per cent. ad valorem.

On hats, caps, and bonnets, of every sort, 5 per cent. ad valorem.

On gloves, mittens, stockings, fans, buttons, and buckles, of every kind, 5 per cent. ad valorem.

On sheathing and cartridge paper, 5 per cent. ad valorem.

On all powders, pastes, ball, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions, commonly called sweet scents, or odors, perfumes, or cosmetics, and on all dentifrice, powders, or preparations for the teeth or gums, 5 per cent. ad valorem.

On gold, silver, or plated wares, gold and silver lace, jewelry, and paste work, clocks and watches, and the parts of either, 5 per cent. ad valorem.

On groceries, to wit: cinnamon, cloves, mace, nutmegs, ginger, aniseed, currants, dates, prunes, raisins, sugar-candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers, pickles of every sort, oil, and mustard in flour, 5 per cent. ad valorem.

On all marble, slate, or other stone, on bricks, tiles, tables, mortars, and other stone, and generally on all glass, except window glass, and on all stone and earthen ware, 5 per cent. ad valorem.

On cabinet wares, and all manufactures of wood, or of which wood is the material of chief value, 5 per cent. ad valorem.

On all manufactures of cotton or linen, or of muslins of cotton and linen, or of which cotton or linen is the material of chief value, being printed, stained, or colored, 5 per cent. ad valorem.

On carriages, and parts of carriages, $4\frac{1}{2}$ per cent. ad valorem.

SEC. 2. *And be it further enacted*, That after the said last day of June, instant, there shall be laid, levied, and collected, in addition to the present duty thereupon, a duty of two and a half per cent. ad valorem upon all goods, wares, and merchandise, which, if imported in ships or vessels of the United States, are now chargeable, by law, with a duty of seven and a half per cent. ad valorem.

SEC. 3. *And be it further enacted*, That the fourth section of the act, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," whereby an additional duty of two and a half per cent. ad valorem, was laid upon certain goods, wares, and merchandise, be, and the same is hereby, continued in force, until the first day of January, one thousand seven hundred and ninety-seven.

SEC. 4. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties, above specified and imposed, in respect to all goods, wares, and merchandise, which, after the said last day of June, instant, shall be imported in ships or vessels not of the United States.

SEC. 5. *And be it further enacted*, That all duties which shall be paid, or secured to be paid, by virtue of this act, shall be returned or discharged, in respect to all such goods, wares, or merchandise, whereupon they shall have been so paid, or secured to be paid, as within twelve calendar months after payment made or security given, shall be exported to any foreign port or place, except one per centum on the amount of the said duties, which shall be retained, as an indemnification for whatever expense may have accrued concerning the same.

SEC. 6. *And be it further enacted*, That the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, and thing, therein contained, had been herein re-inserted and re-enacted.

SEC. 7. *And be it further enacted*, That nothing in this act shall be construed to extend to, or affect the act, entitled "An act prohibiting for a limited time the exportation of arms and ammunition, and encouraging the importation of the same."

SEC. 8. *And be it further enacted*, That this act shall continue in force until the first day of January, one thousand seven hundred and ninety-seven, and no longer.

Approved, June 7, 1794.

3D CON.—47

An Act concerning Invalids.

Be it enacted, &c., That the Secretary of the War Department be, and he is hereby directed, to place upon the list of invalid pensioners of the United States all persons who have been returned as such by the Judges of the several Districts, under the act of Congress of the twenty-eighth of February, one thousand seven hundred and ninety-three, entitled "An act to regulate the claims to invalid pensions, and who, by legal proofs, are by him found to come clearly within the provisions of the said act, and are reported as having complete evidence of their claims in the report of the said Secretary upon that subject, made to Congress the twenty-fifth day of April, one thousand seven hundred and ninety-four; and all persons placed, by virtue of this act, on the list of invalid pensioners, shall receive such sums as the returns of the District Judges have respectively specified, and be paid in the same manner as invalid pensioners are paid, who have been heretofore placed on the list: *Provided*, That every commissioned officer who shall, by virtue of this act, be placed on the pension list as entitled to a sum less than a full pension, shall receive such pension only upon compliance with the same rule respecting a return of the commutation which he may have received, as is provided for in the case of Captain David Cook, by an act of Congress, passed December the sixteenth, one thousand seven hundred and ninety-one.

Approved, June 7, 1794.

An Act supplementary to the act, entitled "An act to promote the progress of Useful Arts."

Be it enacted, &c., That all suits, actions, process, and proceedings, heretofore had in any District Court of the United States, under an act passed the tenth day of April, in the year one thousand seven hundred and ninety, entitled "An act to promote the progress of Useful Arts," which may have been set aside, suspended, or abated, by reason of the repeal of the said act, may be restored, at the instance of the plaintiff or defendant, within one year from and after the passing of this act, in the said Courts, to the same situation in which they may have been when they were so set aside, suspended, or abated; and that the parties to the said suits, actions, process, or proceedings, be, and are hereby entitled to proceed in such cases as if no such repeal of the act aforesaid had taken place: *Provided always*, That, before any order or proceeding, other than that for continuing the same suits, after the reinstating thereof, shall be entered or had, the defendant or plaintiff, as the case may be, against whom the same may have been reinstated, shall be brought into Court by summons, attachment, or such other proceeding, as is used in other cases for compelling the appearance of a party.

Approved June 7, 1794.

An Act to amend the act, entitled "An act to enable the Officers and Soldiers of the Virginia Line on Continental Establishment to obtain titles to certain

Acts of Congress.

lands lying Northwest of the river Ohio, between the Little Miami and Sciota.

Be it enacted, &c., That all and every officer and soldier of the Virginia line on Continental Establishment, his or their heirs or assigns, entitled to bounty lands on the Northwest side of the river Ohio, between the Sciota and Little Miami rivers, by the laws of the State of Virginia, and included in the terms of cession of the said State to the United States, shall, on producing the warrant, or a certified copy thereof, and a certificate, under the seal of the office where the said warrants are legally kept, that the same or a part thereof remains unsatisfied, and, on producing the survey, agreeably to the laws of Virginia, for the tract or tracts to which he or they may be entitled, as aforesaid, to the Secretary of the Department of War, such officer and soldier, his or their heirs or assigns, shall be entitled to and receive a patent for the same from the President of the United States; any thing in any former law to the contrary notwithstanding; *Provided,* That no letters patent shall be issued for a greater quantity of land than shall appear to remain due on such warrant; and that before the seal of the United States shall be affixed to such letters patent, the Secretary of the Department of War shall have endorsed thereon that the grantee therein named, or the person under whom he claims, was originally entitled to such bounty lands; and every such letters patent shall be countersigned by the Secretary of State, and a minute of the date thereof, and the name of the grantee shall be entered of record in his office, in a book to be specially provided for that purpose.

Approved, June 9, 1794.

An Act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer.

Be it enacted, &c., That the consent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, entitled "An act to appoint a Health Officer for the port of Baltimore, in Baltimore county," so far as to enable the State aforesaid to collect a duty of one cent per ton on all vessels coming into the district of Baltimore from a foreign voyage, for the purposes in the said act intended.

SEC. 2. *And be it further enacted,* That this act shall continue in force to the end of the next session of Congress, and no longer.

Approved, June 9, 1794.

An Act making appropriations for certain purposes therein expressed.

Be it enacted, &c., That there be appropriated for the several purposes hereinafter specified, the respective sums following, to wit: To defray the expenses which shall be incurred pursuant to the act, entitled, "An act to provide a naval armament," six hundred and eighty-eight thousand eight hundred and eighty-eight dollars and eighty-two

cents; in addition to the sum heretofore granted for the erection of fortifications for the protection of ports and harbors, thirty thousand dollars; for the payment of a sum granted to Lieutenant Colonel Tonsard, in lieu of his pension for life, three thousand six hundred dollars; for the payment of the salary allowed to the officer who shall be appointed to superintend the receiving, safe-keeping, and distribution of the military stores of the United States, pursuant to the act of the second of April last, eight hundred and seventy-five dollars; for the salary of an additional clerk and office rent, in the Department of State, four hundred and eighty-four dollars and seventy-eight cents; for the payment and subsistence of Captain John Inglis, of the North Carolina line, one hundred and eight dollars and ninety one cents; to defray the further contingent expenses of the House of Representatives, authorized during the present session, one thousand dollars; for the service of the War Department, in addition to the sums heretofore appropriated, the sums following to wit: To defray the expense of a corps of Artillerists and Engineers, established during the present session, sixty-six thousand four hundred and twenty-nine dollars and eighty-seven cents; for the further protection and defence of the South-western frontier, two hundred thousand dollars; for the purposes of the act directing a detachment from the Militia of the United States, two hundred thousand dollars; for the equipment of galleys or other vessels, pursuant to an act of the present session, eighty thousand dollars; for the expense of additional clerk hire in the Department of War, seven hundred and fifty dollars; for defraying the contingent expenses of Government, to be applied under the direction of the President of the United States, according to the regulations and provisions provided in respect of a sum of ten thousand dollars heretofore appropriated for the like purpose, twenty thousand dollars; amounting, in the whole, to one million two hundred and ninety-two thousand one hundred and thirty-seven dollars and thirty-eight cents; which several sums shall be paid out of the proceeds of such revenues as shall have been provided during the present session of Congress.

SEC. 2. *And be it further enacted,* That the President of the United States be empowered to borrow, on behalf of the United States, of the Bank of the United States, (which is hereby authorized to lend the same,) or of any other body or bodies politic, person or persons, any sum not exceeding in the whole, one million of dollars, to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the proceeds of the said revenues.

SEC. 3. *Provided always, and be it further enacted,* That there shall be reserved out of the proceeds of the said revenues a sum sufficient to pay the interest of whatever moneys may be borrowed pursuant to the act, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations;" and further to continue in force the act, entitled "An act providing the means of inter-

Acts of Congress.

course between the United States and foreign nations;" and such sum is hereby pledged and appropriated for that purpose, according to the terms of the contract or contracts which shall or may be made concerning the said moneys. And the faith of the United States is hereby pledged to make such further provision therefor as may be necessary.

Approved, June 9, 1794.

An Act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts.

Be it enacted, &c., That the District Judges of the United States be authorized to appoint a commissioner or commissioners, before whom appraisers of ships or vessels, or goods, wares, and merchandise, seized for breaches of any law of the United States, may be sworn or affirmed; and that such qualifications made before such commissioner or commissioners shall be, to all intents and purposes, as effectual as if the same were taken before the said Judges in open Court.

SEC. 2. *And be it further enacted*, That the stated terms of the District Courts of Massachusetts, Pennsylvania, and Georgia, be changed, and that in future the said Courts in Massachusetts shall be held on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December. In Pennsylvania, on the third Mondays in February, May, August, and November. And in Georgia, at the times and places following: In the City of Savannah on the second Tuesdays in February, May, and August; and in Augusta on the second Tuesday in November. And that the Circuit Court of the District of Delaware hereafter commence on the second Monday in June, instead of the twenty-seventh day of April—any law to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That the State of North Carolina shall be divided into three districts, in which the District Court of the said State shall be held at such times and places as are already ascertained by law, that is to say: the District of Wilmington to include all the counties of the State districts of Morgan, Salisbury, Fayetteville, and Wilmington; the district of Newbern to include all the counties of the State districts of Hillsborough, Halifax, and Newbern; and Edenton to include all the counties of the district of Edenton: and that all process, pleas, actions, suits, and other proceedings, originating in the districts, respectively, shall be returnable to the session of said Court to be held at the place directed by law, within the same district where the cause commenced, and there to be kept, with the record thereof, until the final end and determination of the same. And, to the end that suitors, witnesses, and all others concerned, may have notice of this alteration in the said Courts, the Marshal of the said district of North Carolina is hereby required to make the same known, by proclamation, on or before the first day of August next.

SEC. 4. *And be it further enacted*, That any

person living within either of the districts aforesaid, who hereafter shall be arrested by virtue of process issuing out of the Court of either of the said districts other than that in which he shall so reside, shall be discharged therefrom, on his entering his appearance and giving bail to the action in the Court of the district in which he shall so reside, in like manner, and to the like effect, as if the said process had originally been issued out of the Court within the said last-mentioned district.

SEC. 5. *And be it further enacted*, That all process, actions, pleas, suits, and other proceedings, which have been commenced and returned to the separate several sessions of the District Court, at such places appointed by law for holding thereof, shall be tried at the place in each district where the same were first made returnable.

SEC. 6. *And be it further enacted*, That the Clerk of the said District Court shall, at each of the places aforesaid, keep a distinct docket and record of such business, returnable as aforesaid, or which may be returned to the session to be held at the said places, respectively, at which places of return the said business shall be finally heard and determined as aforesaid.

SEC. 7. *And be it further enacted*, That so much of the act to establish the Judicial Courts of the United States as is or may be construed to require the attendance of the Marshals of all the districts at the Supreme Court, shall be, and the same is hereby, repealed; and that the said Court shall be attended during its session by the Marshal of the district only in which the Court shall sit, unless the attendance of the Marshals of other districts shall be required by special order of the said Court.

SEC. 8. *And be it further enacted*, That, from and after the last day of September next, the District Court for the State of Kentucky shall be held in the town of Frankfort—anything in any former act to the contrary notwithstanding.

Approved, June 9, 1794.

An Act laying Duties on property sold at auction.

Be it enacted, &c., That, from and after the thirtieth day of September next, there shall be levied, collected, and paid, for the use of the United States, upon all sales by way of auction, as hereinafter described, which shall be made within the United States, the respective rates and duties following, to wit: The sum of one-fourth part of a dollar for every hundred dollars of the purchase money arising by sale at auction, of any interest, right, or estate, in any lands, tenements, or hereditaments, and of any utensils in husbandry and farming stock, ships and vessels, and the sum of one-half of a dollar, for every hundred dollars of the purchase money, arising by sale at auction, of all other goods, chattles, rights, and credits whatsoever, and at the same rate for any greater or lesser sum, except as hereinafter excepted: The said respective rates and duties to be paid by the auctioneer or person making such sales at auction, out of the moneys arising from each and every such sale: *Provided, also*, That nothing in this act contained shall extend to any sale or sales by

Acts of Congress.

auCTION, of estates, goods, or effects, made pursuant to, or in execution of, any rule, order, decree, sentence, or judgment, of any Court of the United States, or of either of them; or made in virtue, or by force of any distress for rent, or other cause, for which a distress is allowed by law; or made in consequence of any bankruptcy, or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects, for the benefit of creditors; or made by or on behalf of executors or administrators; or made of the produce of the land, upon the land where such produce was raised; or made of any farming utensils, stock, or household furniture, by persons removing from the place of their former residence, where the amount of each sale of such farming utensils, stock, or household furniture, shall not exceed two hundred dollars; or made pursuant to the directions of any law of the United States, or of either of them, touching the collection of any tax or duty; or by disposal by auction of public property of the United States, or of any State; nor to any such sale or sales by auction of ships, their tackle, apparel, and furniture, or the cargoes thereof, which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

SEC. 2. *And be it further enacted*, That no person, after the said thirtieth day of September next, shall exercise the trade or business of an auctioneer, by the selling of any estates, goods or effects whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license, or other special authority, continuing in force pursuant to some law of a State, or issued pursuant to the directions of this act, on pain of forfeiting, for every such sale at auction, the sum of four hundred dollars, together with the sums or duties payable by this act upon the estates, goods, or effects so sold: *Provided, however*, That nothing herein contained shall be construed to require a license for the sale at auction of any estate, goods, chattles, or other thing, which by this act are exempted from duty.

SEC. 3. *And be it further enacted*, That every person, who, before the said thirtieth day of September next, shall have a license or special authority, pursuant to any law of any State, for exercising the said trade or business of an auctioneer, shall, before or upon the said day, and every person, who, after the said day, shall have such special license or authority, shall, within thirty days after the obtaining or receiving of the same, give notice thereof in writing, under his hand, to the office of inspector nearest to the place where he shall carry on or intend to carry on the said trade or business of an auctioneer, specifying in such notice the date or commencement of such license, or other special authority, the term for which the same was granted or given, by whom, and by what law of a State, the same was granted or given; and shall also give bond to the United States, in the sum of one thousand five hundred dollars, to be taken by the officer, at whose office

the notice aforesaid shall be given, with condition that he will, on the first day of January, April, July, and October, in each year, while he shall continue to exercise the said trade or business, render to the person or persons, who, on behalf of the United States, shall be authorized to receive the same, a true and particular account in writing, of the moneys or sums, for which any estates, goods, or effects, have been sold, at every sale at auction by him made, and of the several articles, lots and parcels, which shall have been sold, the price of each article, lot, or parcel, in every such sale, by whom bought, that is to say: first from the date of such bond, until such of the aforesaid days, as shall accrue next thereafter, and thenceforth from the day to which an account shall have been last rendered, until such of the said days, as shall next thereafter ensue, and so on in succession, from one of the said days to another, so long as he shall continue to exercise his said trade or business, and, also, shall pay all such sums of money as shall be due to the United States, upon the said sales, according to the true intent and meaning of this act; which sums he is hereby authorized and directed to retain, out of the produce of each sale made as aforesaid. And a like notice and bond shall be given in like manner, as often as any such license, or special authorities, shall have expired and been renewed. And if any person shall, after the said thirtieth day of September next, by virtue or color of any such license, or special authority, as aforesaid, make any sale or sales at auction, without having given bond, as aforesaid, within the time for that purpose prescribed, or without renewing such bond upon the expiration and renewal of any such license, or special authority, he shall forfeit and pay, for every such sale by him made, the sum of four hundred dollars, together with the sums or duties payable by this act, upon the estates, goods, or effects, so sold.

SEC. 4. *And be it further enacted*, That the several supervisors of the revenue may, within their respective districts, and upon request of any person or persons desirous thereof, shall grant licenses, without fee or reward, for a term not exceeding one year, at one time, to exercise the trade or business of an auctioneer; and such licenses, upon like request, may, and shall, from time to time, renew: *Provided*, That no such license shall be granted or renewed until the person or persons requesting the same shall have become bound to the United States, with one or more sureties, to the satisfaction of the supervisor, of whom such license shall be requested, in the sum of one thousand five hundred dollars, with like condition as is hereinbefore prescribed for persons having licenses by virtue of some law of a State: *And provided further*, That no such license shall be granted to carry on the said trade or business, in any city, town, or county, of any State, in respect to which provision hath been made by any law of such State, for the allowing and regulating of the said trade and business therein.

SEC. 5. *And be it further enacted*, That every person who shall have a license from a supervisor

Acts of Congress.

of the revenue, continuing in force, shall and may retain, in order to the payment of the duties hereby imposed, all such sum and sums of money as shall be due and payable upon any estates, goods, or effects, by him sold at auction, as aforesaid, according to the true intent and meaning of this act.

SEC. 6. *And be it further enacted*, That the accounts to be rendered, and the duties to be from time to time paid as aforesaid, by any auctioneer, shall be rendered and paid to the inspector of the revenue, within whose survey such auctioneer shall exercise his said trade or business, or to his deputy duly appointed under his hand and seal, and such auctioneer shall make oath or affirmation, according to the best of his knowledge and belief, to the truth of every account which he shall render before the officer or person to whom such account shall be rendered, and who is hereby authorized to administer the said oath or affirmation; in default of which such account shall not be deemed to be duly rendered, according to the condition of the bond of such auctioneer. And to the end that such accounts may be accurately kept and rendered, it is hereby made the duty of every auctioneer to enter, from day to day, as often as any sale shall be made, in a book, or on a paper to be kept by him for that purpose, the amount and particulars of the respective sales by him made; which book or paper shall, at all reasonable times, upon request made, be submitted for examination to the officer of inspection, within whose survey or division such auctioneer shall be, on pain of forfeiting, for every refusal to comply with such request, the sum of five hundred dollars.

SEC. 7. *And be it further enacted*, That if it shall appear to the satisfaction of the supervisor, within whose district he shall be, that an auctioneer hath acted agreeably to the condition of the bond which he shall have given, and to the directions of this act, during the time to which his said bond shall relate, the same having expired, then, and in every such case, the said supervisor shall cause such bond to be delivered up; but in case no such account shall be delivered, as hereinbefore mentioned, or if it shall appear, that any such account was not truly made, or that the party hath acted in any other respect contrary to the true intent and meaning of his bond and of this act, it shall be the duty of such supervisor of the revenue to cause such bond to be prosecuted according to law, and in case of a verdict or judgment against the defendant, he shall, afterwards, upon every sale by him of any estates, goods, or effects, at auction, be liable to all the penalties, which may be incurred by this act, for acting as an auctioneer without license.

SEC. 8. *And be it further enacted*, That if any sale at auction of any lands, tenements, or hereditaments, shall be, or become void, by reason of defect of title, the supervisor of the revenue, within whose district such sale shall be, is hereby authorized and required, upon due and sufficient proof of such sale being or becoming void, for the reason aforesaid, to cause to be remitted the duty or duties thereupon otherwise payable according to this act.

SEC. 9. *And be it further enacted*, That every auctioneer, out of the proceeds of the duties which he shall retain and pay as aforesaid, shall be allowed a commission of one per centum, upon the amount thereof, for his trouble in and about the same.

SEC. 10. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered, to make such allowances for compensations to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole two and a half per centum of the total amount of the said duties collected.

SEC. 11. *And be it further enacted*, That if any person shall wilfully swear or affirm falsely, touching any matter hereinbefore required to be verified by oath or affirmation, he shall suffer the pains and penalties which, by law, are prescribed for wilful and corrupt perjury; and, if an officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

SEC. 12. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered, in the name of the United States, or of the supervisor of the revenue, within whose district any such fine, penalty, or forfeiture, shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture, shall have been incurred. And where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a District Court, within the district in which the same shall arise or accrue, such suit and recovery may be had before any Court of the State, holden within the said district, having jurisdiction in like cases.

SEC. 13. *And be it further enacted*, That this act shall continue and be in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, June 9, 1794.

RESOLUTIONS.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized to employ, as despatch-boats, such of the revenue cutters of the United States, as the public exigencies may require.

Approved, March 20, 1794.

Resolved, &c., That an embargo be laid on all ships and vessels in the ports of the United States, whether already cleared out, or not, bound to any

Acts of Congress.

foreign port or place, for the term of thirty days; and that no clearances be furnished, during that time, to any ship or vessel bound to such foreign port or place, except ships or vessels under the immediate direction of the President of the United States: And that the President of the United States be authorized to give such instructions to the revenue officers of the United States, as shall appear best adapted for carrying the said resolution into full effect.

Approved, March 26, 1794.

Resolved, &c., That, during the continuance of the present embargo, no registered vessel, having on board goods, wares, or merchandise, shall be allowed to depart from one port of the United States to any other port within the same, unless the master, owner, consignee, or factor, shall first give bond with one or more sureties to the Collector of the district from which she is about to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise, shall be reloaded in some port of the United States; which bond, and also a certificate from the Collector of the district, where the same may be reloaded, shall, by the Collectors, respectively, be transmitted to the Secretary of the Treasury. That the several Collectors be prohibited from granting a clearance to any foreign ship or vessel, in any case whatever, during the continuance of the present embargo; and all armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted,) are to be considered as not liable to the embargo.

Approved, April 2, 1794.

Resolved, &c., That the present embargo be continued, and every regulation concerning the same, shall be in full force until the twenty-fifth day of May next.

Approved, April 18, 1794.

Resolved, &c., That the President of the United States be authorized to direct clearances to be granted to any ships or vessels belonging to citizens of the United States, which are now loaded, bound from any port in the United States, for any port beyond the Cape of Good Hope; any thing in the resolution for laying the embargo, to the contrary notwithstanding: *Provided,* That, before the Collector of either of the districts of the United States, shall grant clearances, or any such vessel shall sail, the owners thereof shall give sufficient security, to the satisfaction of such Collector, that she shall not unlade her cargo, or any part thereof, at any port or place, previous to her arrival at the Cape of Good Hope.

Approved, May 7, 1794.

Resolved, &c., That the Secretary of the Department of War be, and he is hereby directed to make out an exact list of the names of each person returned to him, as invalid pensioners, by the Judges of the Circuit Courts of the United States (signing themselves as Commissioners,) under the act of Congress, passed the twenty-third of March, one thousand seven hundred and ninety-two, entitled "An act to provide for the settlement of claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions," and return to the Judge of each district one copy of such list, stating particularly the district from which each person was returned, and that all are by Congress directed not to be entered on the pension list. And the said Secretary is further directed to return to each District Judge a list of the names of all such persons as have been returned as invalid pensioners by the District Judges, under the act of Congress, passed the twenty-eighth of February, one thousand seven hundred and ninety-three, entitled "An act to regulate claims to invalid pensions;" distinguishing those who have been placed on the pension list, and those who have not been placed on the same, by reason of their testimony being incomplete, stating, particularly, the legal requisite or requisites wanting in the evidence of each; and naming such of them whose evidence of leaving service is not lodged in his office. And the Judges of the several District Courts, upon receipt of the above-described lists and statements, from the Secretary for the Department of War, are hereby directed forthwith to publish the same, in one or more of the newspapers published in their respective districts, adding to such publication the time when the act regulating the claims to invalid pensions expires.

Approved, June 9, 1794.

Resolved, &c., That it shall be the duty of the respective Clerks of the several District Courts of the United States, to return true copies of the tables of fees payable in the Supreme or Superior Courts of the State in which such Clerk resides, to the Attorney General of the United States, on or before the fifth day of December next.

Approved, June 9, 1794.

Resolved, &c., That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which when ratified by three-fourths of the said Legislatures shall be valid as a part of the said Constitution, viz:

The judicial power of the United States, shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

Acts of Congress.

ACTS PASSED AT THE SECOND SESSION.

An Act to authorize the President to call out and station a corps of Militia in the four Western counties of Pennsylvania for a limited time.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a force not exceeding two thousand five hundred non-commissioned officers, musicians, and privates, to be composed of the militia of the United States, be called forth and stationed in the four Western counties of Pennsylvania, if, in the judgment of the President, the same shall be deemed necessary to suppress unlawful combinations, and to cause the laws to be duly executed: *Provided,* That the term of service of any one quota of the militia to be called into actual service, pursuant to this act, shall not exceed three months after they shall have arrived at the place of rendezvous.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, if, in his judgment, it should be deemed expedient, to direct voluntary enlistments of any of the militia of the United States, in lieu of all or any part of the force herein authorized to be called forth, for the purposes aforesaid, for a term of service not exceeding thirty days after the commencement of the next session of Congress.

FREDERICK A. MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS,
*Vice President of the United States,
and President of the Senate.*

Approved, November 9, 1794.

G. WASHINGTON,
President of the United States.

An Act extending the privilege of franking to James White, the Delegate from the Territory of the United States South of the river Ohio, and making provision for his compensation.

Be it enacted, &c., That James White, the Delegate to Congress from the Territory of the United States South of the river Ohio, be entitled to the privilege of sending and receiving letters free of postage, on the same terms and under the same restrictions as are provided for the members of the Senate and of the House of Representatives of the United States by the act, entitled "An act to establish the Post Office and Post Roads within the United States."

Sec. 2. *And be it further enacted,* That the said James White shall receive for his traveling expenses and attendance in Congress the same compensation as is or may be allowed by law to the members of the House of Representatives of the United States, to be certified and paid in like manner.

Approved, December 3, 1794.

An Act to amend and explain the twenty-second section of "the Act establishing the Judicial Courts of the United States."

Whereas, by the twenty second section of the act, entitled "An Act to establish the Judicial Courts of the United States," it is provided that "Every Justice or Judge signing a citation on any writ of error, shall take good and sufficient security that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs, if he fail to make his plea good." And whereas doubts have arisen as to the extent of the security to be required in certain cases:

Be it enacted, &c., That the security to be required and taken on the signing of a citation on any writ of error, which shall not be a supersedeas and stay execution, shall be only to such an amount, as, in the opinion of the Justice or Judge taking the same, shall be sufficient to answer all such costs, as, upon an affirmance of the judgment or decree, may be adjudged or decreed to the respondent in error.

Approved, December 12, 1794.

An act authorizing a Loan of two millions of dollars.

Be it enacted, &c., That the President of the United States be empowered to borrow, on behalf of the United States, any sum not exceeding two million of dollars, at an interest not exceeding five per cent. per annum, reimbursable at the pleasure of the United States, to be applied to such public purposes as are authorized by law, and to be repaid out of the duties on impost and tonnage, to the end of the year one thousand seven hundred and ninety-five.

Sec. 2. *And be it further enacted,* That it shall be lawful for the Bank of the United States, and the said Bank hereby is authorized and empowered to loan the said sum, or any part thereof.

Approved, December 18, 1794.

An Act making appropriations for the support of the Military Establishment for the year one thousand seven hundred and ninety five, and for the expenses of the Militia lately called into the service of the United States.

Be it enacted &c., That there be appropriated for the pay, subsistence, forage, and other expenses attending the militia in their late expedition to the Western counties of Pennsylvania, a sum not exceeding one million one hundred and twenty-two thousand five hundred and sixty-nine dollars and one cent; that is to say—For the pay, subsistence, and forage of the general staff, eighteen thousand six hundred and eighty-one dollars and thirty-four cents: For the pay, subsistence, and forage of the militia of New Jersey, eighty-eight thousand seven hundred and eighteen dollars and twenty-five cents: For the pay, subsistence, and forage of the militia of Pennsylvania, two hundred

Acts of Congress.

and ten thousand eight hundred and seventy-five dollars and thirty cents: For the pay, subsistence, and forage of the militia of Maryland, fifty-eight thousand six hundred and sixty dollars and ninety-one cents: For the pay, subsistence, and forage of the militia of Virginia, one hundred and seventy-five thousand and seven dollars and five cents: For the pay and subsistence of artificers and drivers of ordnance, two thousand seven hundred and thirty-four dollars: For the pay and subsistence of the cavalry of Virginia, twenty-two thousand three hundred and ninety-seven dollars and sixteen cents: For clothing, eighty-three thousand one hundred and forty dollars: For camp equipage, twenty-eight thousand seven hundred and seventeen dollars: For hospital stores, two thousand seven hundred and seventy dollars: For military stores, thirty-four thousand one hundred dollars: For the quartermaster's and paymaster's departments, three hundred and sixty-three thousand six hundred dollars: For forage for the cavalry, thirty-three thousand one hundred and sixty-eight dollars.

Sec. 2. *And be it further enacted*, That a sum not exceeding five hundred thousand dollars be appropriated towards defraying the expense of the Military Establishment, for the year one thousand seven hundred and ninety-five.

Sec. 3. *And be it further enacted*, That the several sums of money aforesaid shall be paid and discharged out of the funds following, to wit: First. The balance which may remain unexpended of the sum of six hundred thousand dollars, reserved by the act making provision for the Debt of the United States, after satisfying the appropriations made in the present session for the support of Government. Secondly. The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-five.

Approved, December 31, 1794.

An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-five.

Be it enacted, &c., That, for defraying the expenditure of the Civil List of the United States for the year one thousand seven hundred and ninety-five, together with the incidental and contingent expenses of the several Departments and offices thereof, there be appropriated a sum of money not exceeding four hundred and thirty-two thousand seven hundred and forty-nine dollars and fifty-three cents; that is to say:

For the compensation granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months' continuance, one hundred and eighty-five thousand eight hundred and ninety dollars.

For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, nine thousand five hundred dollars.

For the compensation granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-three thousand two hundred dollars.

For defraying the expense of clerks of courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures, and penalties, twelve thousand dollars.

For defraying the expenses of prosecution for offences against the United States, and for the safe-keeping of prisoners, four thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that Department, seven thousand seven hundred and fifty dollars.

For incidental and contingent expenses in the said Department, three thousand nine hundred and seventy-one dollars, and seventy-nine cents.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, seven thousand eight hundred and fifty dollars.

For expenses of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, ten thousand two hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer, clerks, and persons employed in his office, four thousand one hundred dollars.

For expense of firewood, stationery, printing, rent, and other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, eleven thousand four hundred and fifty dollars.

For expense of stationery, printing, and other contingent expenses in the Auditor's office, five hundred dollars.

For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, six thousand one hundred and fifty dollars.

For expense of stationery, printing, and other contingent expenses in the office of the Commissioner, four hundred dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, fifteen thousand five hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the Register's office, (including books for the public stocks,) two thousand four hundred dollars.

For the payment of rent for the several houses employed in the Treasury Department, (except the Treasurer's office,) one thousand nine hundred and forty-six dollars and sixty-eight cents.

For expense of firewood and candles in the several offices of the Treasury Department, (except the Treasurer's office,) one thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts for the year one thousand seven hundred and ninety-five, eight hundred dollars.

Acts of Congress.

For compensations to the several Loan Officers, thirteen thousand two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eight thousand five hundred and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses in the office of the Secretary of War, one thousand one hundred and thirty-three dollars and thirty-three cents.

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, six thousand four hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the War Department, six hundred dollars.

For compensation to the following officers of the Mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred dollars; the Engraver, one thousand two hundred dollars; four clerks, at five hundred dollars each, two thousand dollars.

For defraying the expenses of laborers in the different branches of the refinery, melting, and coining, at the Mint, five thousand two hundred dollars.

For the pay of mechanics employed in making and repairing machinery for the Mint, two thousand six hundred dollars.

For the purchase of a new coining press, iron-mongery, lead, wood, coals, stationery, office furniture, and for other contingencies of the establishment of the Mint, five thousand five hundred dollars.

For the purchase of a house and lot for the Mint, and of lumber, bricks, and other materials for buildings to be erected, and other necessary improvements to be made, including mason's and carpenter's work, cartage and laborers, one thousand nine hundred dollars.

For compensation to the Governors, Secretaries, and Judges of the Territory Northwest and the Territory South of the river Ohio, ten thousand three hundred dollars.

For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both the said Territories, seven hundred dollars.

For the payment of sundry pensions granted by the late Government, two thousand and seven dollars and seventy-three cents.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars.

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been as-

certain and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, three thousand dollars.

Sec. 2. *And be it further enacted*, That for the maintenance and support of light-houses, beacons, buoys, public piers, and stakeage of channels, bars, and shoals, there shall be appropriated a sum of money not exceeding twenty thousand dollars; and for making good a deficiency of appropriation for building a light-house at Baldhead, there shall be appropriated a sum not exceeding four thousand dollars.

Sec. 3. *And be it further enacted*, That for discharging certain miscellaneous claims upon the United States, there shall be appropriated a sum of money not exceeding eight thousand and four dollars and thirteen cents, that is to say: For making good to the Bank of the United States loss and insurance on shipments of money for, and on account of the United States, and for loss on silver and gold received from the collectors at Wilmington and Edenton, one thousand four hundred and twelve dollars and ninety-three cents; for paying Joseph Stretch, sole administrator of Joseph Wright, deceased, for modelling a likeness and cutting two dies, in conformity to a resolution of Congress of the twenty-fourth of September, one thousand seven hundred and seventy-nine, two hundred and thirty-three dollars and thirty-three cents; for the payment of a balance due to Arthur St. Clair, pursuant to an act of Congress of the thirty-first of May, one thousand seven hundred and ninety-four, one thousand and fifty-seven dollars and eighty-seven cents; for an allowance to the widow and orphan children of Robert Forsyth, late marshal of the district of Georgia, pursuant to an act of June the seventh, one thousand seven hundred and ninety-four, two thousand dollars; for defraying the expense of publishing lists of invalid pensioners, in compliance with the resolution of Congress of the ninth of June, one thousand seven hundred and ninety-four, eight hundred dollars; for defraying the expense of sundry expresses to and from the collectors of the revenue, in relation to the embargo, five hundred dollars; for the discharge of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

Sec. 4. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid and discharged out of the fund of six hundred thousand dollars referred by the act making provision for the Debt of the United States.

Approved, January 2, 1795.

An Act to regulate the pay of the non-commissioned officers, musicians, and privates of the Militia of the United States, when called into actual service, and for other purposes.

Be it enacted, &c., That, from and after the pass-

ing of this act, the allowance of bounty, clothing, and pay, to the non-commissioned officers, musicians, and privates of the infantry, artillery, and cavalry of the militia of the United States, when called into actual service, shall be at the rate per month as follows: Each sergeant-major and quartermaster-sergeant, nine dollars; each drum and fife major, eight dollars and thirty-three cents; each sergeant, eight dollars; each corporal, drummer, fife, and trumpeter, seven dollars and thirty-three cents; each farrier, saddler, and artificer, (included as a private,) eight dollars; each gunner, bombardier, and private, six dollars and sixty-six cents.

SEC. 2. *And be it further enacted*, That, in addition to the monthly pay, there shall be allowed to each officer, non-commissioned officer, musician, and private of the cavalry, for the use of his horse, arms, and accoutrements, and for the risk thereof, except of horses killed in action, forty cents per day; and to each non-commissioned officer, musician, and private, twenty-five cents per day, in lieu of rations and forage, when they shall provide the same.

SEC. 3. *And be it further enacted*, That, whenever the militia shall be called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the places of battalion, regimental, or brigade rendezvous—allowing to each non-commissioned officer, musician, and private soldier, a day's pay and rations for every fifteen miles from his home to such place of rendezvous, and the same allowance for traveling home from the place of discharge.

SEC. 4. *And be it further enacted*, That, in addition to the pay heretofore authorized by law, there shall be allowed and paid to the non-commissioned officers, musicians, and privates of the militia lately called forth into the actual service of the United States, on an expedition to Fort Pitt, such sums as shall, with the pay heretofore by law established, be equal to the allowance respectively provided in the first and second sections of this act: *Provided, nevertheless*, That the compensations made by any State to the militia called forth from such State, shall be deemed to be included in the additional allowance authorized by this act; and such State shall be entitled to receive from the Treasury of the United States, such sums as they shall have paid or allowed to the non-commissioned officers, musicians, and privates, over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act.

SEC. 5. *And be it further enacted*, That, for the completing and better supporting the Military Establishment of the United States, as provided by the act, entitled "An act making further and more effectual provision for the protection of the frontiers of the United States," there shall be allowed and paid, from and after the first day of January, one thousand seven hundred and ninety-five, to each non-commissioned officer, musician, and private now in service, or hereafter to be enlisted, the additional pay of one dollar per month, during the terms of their respective enlistments; and to

each soldier now in the service of the United States, or discharged therefrom subsequent to the third day of March last, who shall re-enlist after the first day of January next, an additional bounty of eight dollars—making the entire bounty sixteen dollars; and to each person not now in the Army of the United States, or discharged, as above, who shall enlist after the said first day of January next, an additional bounty of six dollars—making the entire bounty fourteen dollars: but the payment of four dollars of each additional bounty hereby granted, shall be deferred until the soldier enlisting shall join the regiment or corps in which he is to serve.

SEC. 6. *And be it further enacted*, That, to those in the military service of the United States, who are or shall be employed on the Western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt in addition to every hundred of their rations.

Approved, January 2, 1795.

An Act authorizing the transfer of the stock standing to the credit of certain States.

Be it enacted &c, That at any time within two years from the passing of this act, transfers shall and may be authorized, of so much of the stock standing to the credit of any State, pursuant to the report of the Commissioners for settling accounts between the United States and individual States; and the act passed thereon, entitled "An act making provision for the payment of the interest on the balances due to certain States, upon a final settlement of the accounts between the United States and the individual States," to creditors of such State who were such prior to the first day of July, one thousand seven hundred and ninety-three, as may be necessary to satisfy their respective demands: *Provided*, That no such transfer shall be made but with the consent of the said State and its creditors.

Approved, January 2, 1795.

An Act providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States.

Be it enacted, &c., That, the President of the United States be, and he hereby is, authorized and empowered to cause any instalments of the Foreign Debts which may fall due in the year one thousand seven hundred and ninety-five, and also the third instalment due on a Loan made of the Bank of the United States, in pursuance of the eleventh section of the act for incorporating the subscribers to the said Bank, to be paid out of the proceeds of any Foreign Loans heretofore made.

Approved, January 8, 1795.

An Act for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania.

Be it enacted, &c., That all suits and process which were pending in the District Court of Pennsylvania, which, by law, ought to have been holden on the third Monday in November last, and which

Acts of Congress.

were discontinued by the failure to hold the same; and all suits and process which were commenced for the said Court, or returnable thereto; and, also, all suits and process which were pending in any special Court of the said district, and discontinued by failure to hold the adjournment thereof, on the day appointed, at any time since the last day of July last, be, and they are hereby, revived; and hereby day is given to all the suits and process aforesaid, in the District Court next by law to be holden in the same district; and the same proceedings may be had at the same last mentioned Court, in all the suits and process aforesaid, as by law might have been had at the Courts, respectively, in which the same were pending, or to which the same were returnable.

Approved, January 28, 1795.

An Act further extending the time for receiving on Loan the Domestic Debt of the United States.

Be it enacted, &c. That the term for receiving on loan that part of the Domestic Debt of the United States which has not been subscribed in pursuance of the provisions heretofore made by law for that purpose, be and the same is hereby further extended until the thirty-first day of December next, on the same terms and conditions as are contained in the act, entitled "An act making provision for the Debt of the United States." *Provided,* That the books for receiving the said subscriptions shall be opened only at the Treasury of the United States.

SEC. 2. *And be it further enacted,* That such of the creditors of the United States as have not subscribed and shall not subscribe to the said loan, shall nevertheless receive during the year one thousand seven hundred and ninety-five, a rate per centum on the amount of such of their demands as have been registered or as shall be registered at the Treasury conformable to the directions in the act, entitled "An act making provision for the Debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Approved, January 28, 1795.

An Act supplementary to the several acts imposing duties on goods, wares, and merchandise imported into the United States.

Whereas difficulties have arisen in ascertaining the duties on certain articles imported into the United States, and further provisions for securing the collection of the impost duties are found necessary:

Be it enacted, &c. That, in lieu of the present duties, there shall be levied, collected and paid upon all printing types, which after the last day of March next, shall be imported into the United States, in ships or vessels of the United States, at the rate of ten per centum, and upon all girandoles, at the rate of twenty per centum ad valorem; that, after the said last day of March next, the present duties payable upon clayed sugars shall cease, and there shall be paid upon all white clayed or white powdered sugars, three cents per pound, and upon all other clayed or powdered sugars, one and a half

cent per pound; upon Malaga wine, twenty cents; upon Burgundy and Champagne, forty cents per gallon.

SEC. 2. *And be it further enacted,* That, after the said last day of March, teas, commonly called imperial, gunpowder, or gonce, shall pay the same duties as hyson teas; and where any entire article is, by any law of the United States, made subject to the payment of duties, the parts thereof, when imported separately, shall be subject to the payment of the same rate of duties.

SEC. 3. *And be it further enacted,* That, after the said last day of March, the valuation of all goods, wares, and merchandise, subject to the payment of duties ad valorem, shall be made upon the actual cost at the place of exportation, including all charges, (commissions, outside packages and insurance only excepted,) that the duty on any wines imported into the United States shall not be less than ten cents per gallon, and that bottles in which any liquor is imported, shall be subject to the payment of the like duty as empty bottles.

SEC. 4. *And be it further enacted,* That the duties upon all goods, wares, and mereandise, imported into the United States, after the said last day of March, (where the sum payable by one person or copartnership shall amount to more than fifty dollars,) shall be payable upon all articles, the produce of the West Indies, (salt excepted,) the one-half in three, and the other half in six calendar months; and on all goods, wares, and merchandise, imported from Europe, (wines, salt and teas excepted,) one-third in eight months, and one-third in ten months, and the remaining third in twelve months from the time of each respective importation.

SEC. 5. *And be it further enacted,* That, in respect to the aforesaid duties, and the duties heretofore imposed on goods, wares, and merchandise, imported into the United States, there shall be an addition of ten per centum to the several rates of duties when imported in ships or vessels not of the United States, except in cases where such additional duty has been before specially laid on any goods, wares, or merchandise, imported in such ships or vessels.

SEC. 6. *And be it further enacted,* That the duties aforesaid shall be collected in like manner, and under the same regulations, restrictions, and provisions, and subject to the like appropriations as goods, wares, and merchandise, imported into the United States, are now subject to.

Approved, January 29, 1795.

An Act making further provision in cases of drawbacks.

Whereas the allowance of drawbacks on goods, wares, and merchandise, imported into the United States, is now limited to such as are exported from districts into which the same are imported, and great loss and inconvenience are experienced from such limitation and further provision, in respect to goods, wares, or merchandise, entitled to drawback, is deemed necessary:

Be it enacted, &c. That after the last day of

Acts of Congress.

March next, any goods, wares, and merchandise, imported into the United States, may be exported from any of the ports at which ships and vessels from the Cape of Good Hope, or from any place beyond the same, are admitted to make entry, and entitled to the same drawback of the duties as goods, wares, and merchandise, exported from the districts into which they are imported, are now entitled to: *Provided, nevertheless*, That such goods, wares, and merchandise, shall not be entitled to such drawback, unless they shall be accompanied by a certificate from the collector of the district into which they were imported, specifying the marks, numbers, and descriptions, of the casks or packages, with the names of the master and vessel in which, the time when, and the place from whence, they were imported; and where the articles pay duties by weight or measure, the quantity in each; and in all cases the amount of the duties paid or secured thereon.

SEC. 2. *And be it further enacted*, That in order to entitle any person to such certificate, he or they shall make out an entry of all such goods, wares, and merchandise, specifying the marks, numbers, and descriptions, of the casks, or packages, and their contents, the names of the master and vessel in which, the time when, and the place from which they were imported; the names of the master and vessel in which they are intended to be laden, and the district in the United States to which they are destined; and shall moreover make oath or affirmation to the truth of such entry; which requisites being complied with, and the collector satisfied with the truth thereof, he shall grant such certificate, and such goods, wares, and merchandise, shall be entered with the collector of the district into which they shall be brought from the place of their importation, previous to the landing or unloading thereof.

SEC. 3. *And be it further enacted*, That, after the last day of March next, it shall be lawful for the importer, or exporter, of any liquors in casks, coffee in casks, or other packages, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the original importation, into new casks or packages, in case the original cask or package shall be so injured as to be rendered unfit for exportation, and under the inspection of the inspector of the port from which such liquors, coffee, or unrefined sugars, are intended to be exported.

SEC. 4. *And be it further enacted*, That when any goods, wares, or merchandise, entitled to drawback, shall be entered for exportation from any other district than the one into which they were imported, the person intending to export the same, besides producing the certificate hereinbefore directed, shall make an entry in like manner, and the goods, wares, and merchandise, therein expressed, shall undergo the same examination as is by law required relative to goods, wares, and merchandise, entitled to drawback, and intended to be exported from the place of original importation.

SEC. 5. *And be it further enacted*, That for all goods, wares, and merchandise, entitled to draw-

back, which, after the last day of March next, shall be exported from the district into which they were originally imported, the exporter or exporters shall be entitled to receive from the collector of such district a debenture or debentures for the amount of the drawback to which such goods, wares, or merchandise, are entitled, payable at the same time or times respectively on which the duties on the said goods, wares, or merchandise, shall become due, except the same or any part thereof has been paid, or shall become payable in less than three months; in which case such debenture shall be payable in three months: And it shall be the duty of the said collectors to discharge such debentures, at the time they become due, out of any public money in their hands. And where goods, wares, and merchandise, are exported from any other district than the one into which they were imported, it shall be the duty of the collector of such district to grant to the exporter a certificate expressing that such goods, wares, and merchandise, were exported from his district, with the marks, numbers, and description, of the packages and their contents, the name of the vessel on which they were laden, the name of the commander, and the port for which they were cleared out, and the amount of the drawback to which they are entitled. And such certificate shall entitle the possessor thereof to receive from the collector of the said district, with whom the duties on the said goods, wares, and merchandise, were paid, or secured, a debenture or debentures for the drawback expressed in the said certificates, payable at the same time, and in like manner, as is herein directed for debentures on goods, wares, and merchandise, exported from the place of their first importation: *Provided, nevertheless*, That the collector aforesaid may refuse to grant such debenture or debentures, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture or debentures claimed shall exceed one hundred dollars, it shall be his duty to represent the case to the Comptroller of the Treasury, who shall determine whether such debenture or debentures shall be granted or not: *And provided always*, That in no case of an exportation by the original importer shall a drawback be paid until the duties on the importation thereof shall have been first received.

SEC. 6. *And be it further enacted*, That before the receipt of any such debenture, in case of exportation from the district of original importation, and in case of exportation from any other district, before the receipt of any such certificate, the person applying for the same shall give bond with one or more sureties, to the satisfaction of the collector who is to grant the debenture, or the certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned to produce to such collector, like proof and certificates of the delivery of such goods, wares, or merchandise, at some place without the United States, as are now required by law for obtaining the drawback on exportation, within one year, in case such

Acts of Congress.

goods have been shipped to any part of Europe or America, and within two years, if to any part of Asia or Africa: *Provided, nevertheless*, That when it shall be made to appear to the satisfaction of the collector, to whom such certificates are directed to be returned, that such certificates could not be obtained, the exporter or exporters shall be permitted to offer such other testimony, as to the landing or loss of the goods, wares, and merchandise, as he may have; which proof shall be referred to the Comptroller of the Treasury, who shall have power and authority to admit the same if he shall deem it satisfactory, and to direct the collector to cancel the bond accordingly.

SEC. 7. *And be it further enacted*, That so much of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as extends the credits on bonds given for duties on account of the drawback on goods exported, shall, after the said last day of March next, be repealed: *Provided*, That nothing herein contained shall be construed to extend to any allowance made upon goods, wares, and merchandise, imported before the said last day of March next.

Approved, January 29, 1795.

An Act in addition to the act, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes."

Be it enacted, &c., That the augmentation of bounty authorized by the fifth section of the act, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes," shall be allowed and paid to such recruits as shall have enlisted after the passing of the said act, or as shall hereafter enlist, in like manner as is by the said act provided in cases of enlistment after the first day of January next.

Approved, January 29, 1795.

An act to establish an uniform rule of Naturalization, and to repeal the act heretofore passed.

For carrying into complete effect the power given by the Constitution to establish an uniform rule of naturalization throughout the United States:

Be it enacted, &c., That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

First, He shall have declared, on oath or affirmation, before the Supreme, Superior, District, or Circuit Court of some one of the States, or of the Territories Northwest or South of the river Ohio, or a Circuit or District Court of the United States, three years, at least, before his admission, that it was, *bona fide*, his intention to become a citizen of the United States, and to renounce forever all

allegiance and fidelity to any foreign prince, potentate, State, or sovereignty whatever, and particularly by name, the prince, potentate, State, or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly, He shall, at the time of his application to be admitted, declare, on oath or affirmation, before some one of the Courts aforesaid, that he has resided within the United States five years at least, and within the State or Territory where such Court is at the time held, one year at least, that he will support the Constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, and particularly, by name, the prince, potentate, State, or sovereignty, whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the Court.

Thirdly, The Court admitting such alien shall be satisfied that he has resided within the limits and under the jurisdiction of the United States, five years; and it shall further appear to their satisfaction that, during that time, he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

Fourthly, In case the alien applying to be admitted to citizenship shall have borne any hereditary title, or been of any of the orders of nobility, in the Kingdom or State from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the Court to which his application shall be made; which renunciation shall be recorded in the said Court.

SEC. 2. *Provided always, and be it further enacted*, That any alien, now residing within the limits and under the jurisdiction of the United States, may be admitted to become a citizen, on his declaring, on oath or affirmation, in some one of the Courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the same, and one year, at least, within the State or Territory where such Court is at the time held; that he will support the Constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, whatever, and particularly, by name, the prince, potentate, State, or sovereignty, whereof he was before a citizen or subject; and moreover, on its appearing to the satisfaction of the Court, that, during the said term of two years, he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and, when the alien applying for admission to citizenship shall have borne any hereditary title, or been of any of the orders of nobility in the Kingdom or State from which he came, on his, moreover, making in the Court an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which proceedings, required in this proviso to be per-

formed in the Court, shall be recorded by the clerk thereof.

SEC. 3. *And be it further enacted*, That the children of persons duly naturalized, dwelling within the United States, and being under the age of twenty-one years, at the time of such naturalization, and the children of citizens of the United States, born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: *Provided, also*, That no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen as aforesaid, without the consent of the Legislature of the State in which such person was proscribed.

SEC. 4. *And be it further enacted*, That the act entitled "An act to establish a uniform rule of naturalization," passed the twenty-sixth day of March, one thousand seven hundred and ninety, be, and the same is hereby repealed.

Approved, January 29, 1795.

An Act to amend the Act, entitled "An Act making alterations in the Treasury and War Departments"

Be it enacted, &c., That in case of vacancy in the office of Secretary of State, Secretary of the Treasury, or of the Secretary of the Department of War, or of any officer of either of the said Departments, whose appointment is not in the Head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices, until a successor be appointed, or such vacancy be filled: *Provided*, That no one vacancy shall be supplied, in manner aforesaid, for a longer term than six months.

Approved, February 13, 1795.

An Act relative to the compensation of certain officers employed in the collection of the duties of impost and tonnage.

Be it enacted, &c., That, in lieu of the commissions heretofore by law established, there shall be allowed to the collectors of the duties of impost and tonnage, on all moneys by them respectively received on account of the duties aforesaid arising on tonnage, and on goods, wares, and merchandise, imported after the last day of March next, as follows, to wit:

To the collectors of the districts of Pennsylvania and New York, three-tenths of one per cent;

To the collector of the district of Boston and Charlestown, and to the collector of the district of Baltimore, five-eighths of one per cent;

To the collectors of the districts of Salem and Norfolk, seven-eighths of one per cent;

To the collectors of the districts of Alexandria, Charleston, and Savannah, one per cent;

To the collector of the district of Newburyport, one and a quarter per cent;

To the collectors of the districts of Portsmouth, Portland, Newport, Providence, New Haven, and Tappahannock, one and a half per cent;

And to the collectors of the districts of Vermont, Champlain, Gloucester, Marblehead, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford, Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, Passamaquoddy, New London, Fairfield, Sagg Harbor, Perth-Amboy, Burlington, Bridgetown, Great Egg Harbor, Wilmington in Delaware, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar Point, Georgetown in Maryland, Bermuda Hundred, Hampton, Yorktown, Yeocomico, Dumfries, Foley Landing, Cherry-stone, South Quay, Kentucky, Wilmington in North Carolina, Newbern, Washington, Edenton, Camden, Georgetown in South Carolina, Beaufort, Sunbury, Brunswick, St. Mary's, and Hardwich, two per cent.

SEC. 2. *And be it further enacted*, That, from and after the last day of March next, in lieu of the annual allowances heretofore established by law, there shall be yearly allowed to the following officers, the sums following, to wit:

To the collectors of the districts of Annapolis, Chester, South Quay, Yeocomico, Wilmington in North Carolina, Cedar Point, and Washington, the sum of two hundred dollars each;

To the collectors of the districts of York, Passamaquoddy, Oxford, Vienna, Nottingham, Hampton, Yorktown, Dumfries, Foley Landing, Cherry-stone, Beaufort, St. Mary's, Brunswick, and Hardwich, the sum of one hundred and fifty dollars each;

To the collector of the district of Perth-Amboy, one hundred and twenty dollars;

To the collectors of the districts of Portsmouth, Vermont, Champlain, Gloucester, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Biddeford, Penobscot, Frenchman's Bay, Machias, Newport, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Wilmington in Delaware, Snowhill, Kentucky, Bermuda Hundred, Camden, Georgetown in South Carolina, and Sunbury, the sum of one hundred dollars each;

To the collectors of the districts of Marblehead, Bath, Wiscasset, New Haven, and Georgetown in Maryland, the sum of fifty dollars each;

To the naval officer of the district of Portsmouth, the sum of one hundred and fifty dollars;

To the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington in North Carolina, and Savannah, the sum of one hundred dollars each;

To the surveyor of the port of Salem, two hundred dollars;

To the surveyors of Portsmouth, Newburyport, Bristol, Wrenn, East Greenwich, St. Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburg, Wilmington, Beaufort, and Swansborough, the sum of one hundred and fifty dollars each;

To the surveyors of Newport and Providence, one hundred and thirty dollars each;

To the surveyors of Gloucester, Beverly, New

Acts of Congress.

Haven, Middletown, Albany, Hudson, Little Egg Harbor, and Lewellensburg, one hundred and twenty dollars each;

And to the surveyors of Ipswich, Portland, North Kingston, Pawhatuck, Patuxet, New London, Stonington, Town Creek, Bermuda Hundred, West Point, Urbanna, Port Royal, Alexandria, Windsor, Hertford, Plymouth, Skewarky, Murfreesborough, Bennet's Creek, Winton, Nixonton, Newbiggen Creek, Pasquotank River, Indian Town, Currituck Inlet, Savannah, and New Brunswick, in New Jersey, the sum of one hundred dollars each.

SEC. 3. *And be it further enacted*, That, from and after the last day of March next, in lieu of the sum heretofore established by law, there shall be paid to each inspector, for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and sixty-six cents; and that, instead of the sum heretofore established by law, to be paid for the weighing of every one hundred and twelve pounds, in the districts of Pennsylvania, New York, Boston, Baltimore, and Norfolk, there shall be paid one cent and a half.

SEC. 4. *And be it further enacted*, That, from and after the last day of March next, it shall be the duty of the several collectors, naval officers, and surveyors, to keep accurate accounts of their official emoluments and expenditures, and the same to transmit, annually, on the last day of December, to the Comptroller of the Treasury, who shall annually lay an abstract of the same before Congress.

Approved, February 14, 1795.

An Act for the reimbursement of a Loan authorized by an Act of the last session of Congress.

Be it enacted, &c., That the Bank of the United States be, and the same is hereby, authorized to lend to the United States, the whole or any part of the sum of eight hundred thousand dollars, (remaining unapplied,) in pursuance of the authority granted to borrow one million of dollars, by the act, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations.'"

SEC. 2. *And be it further enacted*, That, after reserving such sums as may be sufficient to satisfy prior appropriations, there be further appropriated, in aid of the provision heretofore made, out of the proceeds of the duties which have arisen, or may arise, upon carriages for the conveyance of persons, upon licenses for selling wines and foreign distilled spirituous liquors by retail, upon snuff and refined sugar, and upon property sold at auction; which were imposed by acts passed during the last session, and which may be further continued the present session of Congress; or from the proceeds of such duties or revenues as may be established in lieu thereof, a sum sufficient to the reimbursement, before the year one thousand eight hundred and one, of any Loan or Loans, which have been,

or which may hereafter be made, in virtue of the act aforesaid: and that the faith of the United States be, and the same is hereby, pledged to make good any deficiency of the said duties.

Approved, February 21, 1795.

An Act authorizing the erection of a light-house near the entrance of Georgetown Harbor, in the State of South Carolina.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, required to cause to be erected, as soon as may be, a light-house, near the entrance of the harbor of Georgetown, in the State of South Carolina, at such place, when ceded to the United States, as shall be most convenient for the navigation thereof; and that a sum, not exceeding five thousand dollars, be appropriated for the same, out of any moneys not otherwise appropriated: And that a sum, not exceeding one thousand dollars, be appropriated, for placing buoys on certain shoals in Cape Fear river, below the town of Wilmington, in the State of North Carolina.

Approved, February 21, 1795.

An Act supplementary to the Act concerning Invalids.

Be it enacted, &c., That the right any person now has, or may hereafter acquire, to receive a pension, by virtue of the act passed on the 28th day of February, one thousand seven hundred and ninety-three, entitled "An act to regulate the claims to invalid pensions," be considered to commence at the time of completing his testimony before the District Judge or Commissioners, pursuant to the said act: And nothing shall be allowed to any invalid, of the description aforesaid, by way of arrear of pension, antecedent to the date of his completing his testimony as aforesaid: And the pensions allowed under the said act shall be continued to the respective pensioners, during the continuance of their disability.

SEC. 2. *And be it further enacted*, That no commissioned officer, who has received commutation of half-pay, shall be paid a pension as an invalid, until he shall return his commutation into the Treasury of the United States; except where special provision has been made, in particular cases, for allowing pensions on the return only of certain portions of the commutation.

Approved, February 21, 1795.

An Act to establish the office of Purveyor of Public Supplies.

Be it enacted, &c., That there shall be in the Department of the Treasury, an officer to be denominated, "Purveyor of Public Supplies," whose duty shall be, under the direction and supervision of the Secretary of the Treasury, to conduct the procuring and providing of all arms, military and naval stores, provisions, clothing, Indian goods, and generally all articles of supply, requisite for the service of the United States, and whose compensation shall be, a salary of two thousand dollars per annum. And all letters to and from the

Acts of Congress.

said officer shall be received and conveyed by post free of postage.

SEC. 2. *And be it further enacted*, That the said officer shall not directly or indirectly be concerned, or interested, in carrying on the business of trade or commerce, or be owner in whole or in part, of any sea vessel, or purchase by himself, or another, in trust for him, public lands, or any other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take, or apply to his own use, any emolument or gain for negotiating or transacting any business in the said Department other than what shall be allowed by law; and if he shall offend against any of the prohibitions of this act, he shall, upon conviction, forfeit to the United States the penalty of three thousand dollars, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be forever thereafter incapable of holding any office under the United States.

SEC. 3. *And be it further enacted*, That the said officer shall, before he enters on the duties of his office, give bond with sufficient sureties, to be approved by the Secretary of the Treasury, and Comptroller, in the sum of twenty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his said office; which bond shall be lodged in the office of the Comptroller.

Approved, February 23, 1795.

An Act to continue in force the act "for ascertaining the Fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."

Be it enacted, &c., That the act, entitled "An act to ascertain the Fees in Admiralty proceedings in the District Courts of the United States and for other purposes," be, and is hereby continued in force, for the term of one year from the passing of this act, and from thence to the end of the next session of Congress, and no longer.

Approved, February 25, 1795.

An Act to amend the act, entitled, "An act to establish the Post Office and Post Roads within the United States.

Be it enacted, &c., That the following be, and are hereby established, as Post Roads, namely: From Pittstown in the District of Maine, to Wiscasset; and from Hallowell in the said district, to Norridgeworth: From Dover in New Hampshire, through Berwick, to Waterborough Courthouse, and from thence to Kennebunk: From Portsmouth, through Dover, Rochester, and Moultonborough, to Plymouth; and from Plymouth to Portsmouth, by New Hampton, Meredith, Gilmantown, Nottingham and Durham; the post to go and return on the said route alternately: from Fishkill, by Newburg and New Windsor, to Goshen: from Coopers Town, by Butternut Creek and Oxford Academy to Union Town: From Pipers on the post-road from Philadelphia to Bethlehem, by Alexandria, to Pittston

in New Jersey: From Brownsville in Pennsylvania, to the town of Washington: From Reading, by Sunbury, and the town of Northumberland, to Lewisburg, commonly called Derstown, on the Susquehanna: From Bethlehem to Wilksburg, in the county of Luzerne: From York Town, through Abbotstown and Gettysburg, to Hagerstown in Maryland; and from Hagerstown, through Williamsport, to Martinsburg, in Virginia: From Annapolis, by Lower Marlborough, to Calvert Courthouse, and from thence to Saint Leonard's Creek: From Bladensburg in Maryland, through Upper Marlborough, to Nottingham, and from thence to the town of Benedict: From Belle-Air in Harford county, Maryland, to the Black Horse, on the York and Baltimore road: From Gloucester Courthouse, in Virginia, to York Town: From Powhattan Courthouse, to Cartersville: From Charlottesville, by Warren, Warminsten, Newmarket, Amherst Courthouse, Cabellsburg, and Madison to Lynchburg: From Winchester, through Romney, to Moorfields: From Charlotte in North Carolina, by Lancaster Courthouse, to Camden, in South Carolina; and from Charlotte to Lincolnton: From Beardstown, in Kentucky, to Nashville, in the territory South of the river Ohio.

SEC. 2. *And be it further enacted*, That, instead of the road from Fayetteville, by Lumberton to Cheraw Courthouse, the route of the post shall hereafter be on the most direct road from Fayetteville to Cheraw Courthouse: and that the Postmaster General shall have authority to discontinue the post-road from Lumberton to Cheraw Courthouse, and from Hagerstown to Sharpsburg, in Maryland. That if, in the opinion of the Postmaster General, an alteration in the post-road from Cumberland, in Maryland, to Morgantown, in Virginia, and from thence, by Union Town, in Pennsylvania, to Brownsville, on the Monongahela, could be made more conducive to the public interest than the present route, yet so as to afford the same accommodation to the said places, he shall be authorized, with the consent of the present contractor, for carrying the mail, to make such alteration.

Approved, February 25, 1795.

An Act supplementary to the act, entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

Be it enacted, &c., That if the master or commander of any ship or vessel, coming into, or arriving at any port or place within the United States, shall obstruct or hinder, or shall cause any obstruction or hindrance with such an intent, to any officer of the revenue, in going on board such ship or vessel, for the purpose of carrying into effect any of the revenue laws of the United States, he shall forfeit a sum not exceeding five hundred, nor less than fifty dollars.

SEC. 2. *And be it further enacted*, That, in all actions, suits, or informations to be brought, where any seizure shall be made for any breach

Acts of Congress.

of the revenue laws of the United States, the burden of proof shall lie on the claimant only, where probable cause is shown for such prosecution, to be judged of by the Court, before whom the prosecution is had.

SEC. 3. *And be it further enacted*, That, in all cases in which suits or prosecutions shall be commenced for the recovery of pecuniary penalties prescribed by the laws of the United States, the person or persons, against whom process may be issued, shall be held to special bail, subject to the rules and regulations which prevail in civil suits, in which special bail is required.

SEC. 4. *And be it further enacted*, That, from and after the last day of May next, there shall be established the following new districts and ports of delivery, to wit: In the State of New York, a district to be called the District of Hudson, which shall include the city of Hudson, and all the waters and shores northward of the said city on Hudson river, and the town of Catskill below the said city; and the said city of Hudson shall be the sole port of entry for the said district: to which shall be annexed the towns or landing places of Catskill, Kinderhook, and Albany, as ports of delivery only; and the collector for the said district shall reside at Hudson; and a surveyor, to reside at Hudson, and another, at Albany, as is now by law established: In the State of Connecticut, a district, to be called the district of Middletown; which shall include the several towns and landing places of Lyme, Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor; of which Middletown shall be the sole port of entry, and the other towns and landing places before named shall be ports of delivery only: and the collector shall reside at Middletown, and there shall be two other surveyors appointed within the said district, one to reside at Hartford, and the other at Saybrook: In the State of Massachusetts, a district to be called the District of Waldoborough; and a collector for the district shall reside at Waldoborough, which shall be the sole port of entry; and to which district shall be annexed the towns of Bristol, Nobleborough, Warren, Thomaston, Cushing, and Camden; also, a place called Ducktrap, as ports of delivery only; and there shall be a surveyor to reside at Thomaston; and all the shores and waters, from the middle of Damarascotty river to Ducktrap, shall be comprehended within the said district: of Waldoborough. And in the district of Portland and Falmouth, Freeport and Harpswell; and also, in the District of Bath, the towns of Georgetown and Brunswick shall be ports of delivery only: And the collectors, to be appointed in conformity with this act, shall each become bound in the sum of four thousand dollars, and each surveyor, in the sum of one thousand dollars, in manner, as is by law provided in like cases. And the same duties, authorities and fees of office, with a similar distribution thereof, shall appertain to those appointments, as are now, in like cases, authorized by law. And the collectors

aforesaid shall each receive the same per centage on the amount of all moneys by them respectively received for duties, together with the same yearly allowance, as is allowed by law to the Collector of the District of Fairfield; and each of the surveyors in the district aforesaid shall receive the same yearly allowance as is, or may be allowed by law to the Surveyor of the District of New Haven.

SEC. 5. *And be it further enacted*, That the master or commander of any ship or vessel, bound from a foreign port or place, to the District of Hudson, or to the District of Bermuda Hundred and City Point, shall, if bound to the former, first come to, with his ship or vessel, at the city of New York; and if to the latter, after the last day of September next, at Hampton Road or Sewell's Point, and there make report to the Collector of New York, or of Norfolk and Portsmouth, or to the Collector of the port of Hampton, as the case may be, and take on board an inspector of the customs, before he shall proceed to the District of Hudson, or to the District of Bermuda Hundred and City Point: And if bound to any port on Connecticut river, shall take an inspector on board at Saybrook, before proceeding to such port. And if any master or commander shall neglect or refuse to comply with the duty hereby enjoined, or which is enjoined in the third section of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," he shall forfeit a sum not more than five hundred, and not less than fifty dollars: *Provided however*, That from and after the last day of May next, the restrictions contained in the said third section shall not extend to, and be considered as affecting the several ports or places included within the District of Middletown; also, the ports of North Yarmouth, Freeport, and Harpswell, in the District of Portland and Falmouth, or the ports of George Town and Brunswick, in the District of Bath.

SEC. 6. *And be it further enacted*, That the District of Hampton for James River shall only extend up to the east side of Chickahomony river, and from thence upwards to Richmond on the north side, shall be annexed to the District of Bermuda Hundred and City Point; which district shall extend down James River on the south side to Hood's.

SEC. 7. *And be it further enacted*, That whenever a seizure, condemnation, and sale of goods, wares, and merchandise, shall hereafter take place, in the United States, and the value thereof shall be less than one hundred dollars, that part of the forfeiture which accrues to the United States, or so much thereof as shall be necessary, shall be applied to the payment of the costs of prosecution.

SEC. 8. *And be it further enacted*, That from and after the last day of May next, whenever an entry shall be made with the collector of any district of any merchandise imported into the United States, subject to duties, by any agent, factor or

Acts of Congress.

person, other than the bona fide owner or consignee of such merchandise, it shall be the duty of the collector to increase the penalty of the bond to be given for the duties, the sum of one thousand dollars, and to make it a part of the condition of the said bond, that the bona fide owner or consignee of such merchandise shall, on or before the first day of payment stipulated in said bond, deliver to said collector a full and correct account of the said merchandise imported for him, or on his account, or consigned to his care, in manner and form, as is now required by law in respect to an entry, previous to the landing of any merchandise; which account shall be verified, as in the case of an entry, and by a like oath or affirmation, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before a collector of the customs of some other district. And in case of the payment of the duties, at the time of entry, by any factor or agent, on the goods entered by him, the collector shall take his bond with security, in the penalty of one thousand dollars, with condition, that the account, verified by the oath or affirmation of the bona fide owner or consignee, in manner as before directed, shall be delivered to the said collector within ninety days.

SEC. 9. *And be it further enacted*, That all bonds which may be given for any goods, wares, or merchandise exported from the United States after the last day of May next, and on which any drawback of duties, or allowance, shall be payable in virtue of such exportation, shall and may be discharged, and not otherwise, by producing, within one year from the date thereof, if the exportation be made to any part of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port or place, to whom the said goods, wares, or merchandise, shall have been addressed, therein particularly setting forth and describing the articles so exported, with their quantities or amount, and declaring that the same have been delivered from on board the vessel, in which they were exported, at the said place; as also, a certificate under the hand and seal of the consul or agent of the United States residing at the said place, declaring, either that the facts stated in such consignee's certificate are, to his knowledge, true, or that the certificate of such consignee is, in his opinion, deserving of full credit; which certificate of the consignee and consul, or agent, shall, in all cases, as respects the landing or delivery of the said goods, wares, or merchandise, be confirmed by the oath of the master and mate, if living, or in case of their death, by the oath or affirmation of the two principal surviving officers of the vessel, in which the exportation shall be made. And in cases where there shall be no consul or agent of the United States residing at the said place of delivery, the certificate of the consignee before required shall be confirmed by the certificate of two reputable American merchants residing at the said place; or if there be no such American merchants, then by the certificate of two reputable foreign mer-

chants, testifying that the facts stated in such consignee's certificate, are, to their knowledge, true, or that such consignee's certificate is, in their opinion, worthy of full credit; which certificate shall be supported by the oath or affirmation of the master and mate, or other principal officers of the vessel, in the manner before prescribed. And in cases of loss at sea, or by capture, or other unavoidable accident, or when, from the nature of the trade, the proofs and certificates before mentioned are not, and cannot be produced, the exporter or exporters shall be allowed to adduce, to the collector of the port of exportation, such other proofs as they may have, and as the nature of the case will admit; which proofs shall, with a stating of all the circumstances attending the transaction, within the knowledge of such collector, be transmitted to the Comptroller of the Treasury, who shall, if he be satisfied with the truth and validity thereof, have power to direct the bonds of such exporter or exporters to be cancelled.

Approved, February 26, 1795.

An Act for allowing an additional compensation to the Judges of the Districts of Rhode Island and Delaware.

Be it enacted, &c., That there shall be allowed to the Judges of the Districts of Rhode Island and Delaware, each, two hundred dollars yearly, in addition to the compensation heretofore allowed, to commence on the first day of the present year, and to be paid at the Treasury of the United States, in quarterly payments.

Approved, February 27, 1795.

An Act to provide for calling forth the Militia to execute the Laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes.

Be it enacted, &c., That whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper. And, in case of an insurrection in any State against the Government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection.

SEC. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such

State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

SEC. 3. *Provided always, and be it further enacted*, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes within a limited time.

SEC. 4. *And be it further enacted*, That the militia employed in the service of the United States shall be subject to the same rules and articles of war as the troops of the United States; and that no officer, non-commissioned officer, or private of the militia, shall be compelled to serve more than three months after his arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

SEC. 5. *And be it further enacted*, That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officers shall moreover be liable to be cashiered, by sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the said court; and such non-commissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every five dollars of such fine.

SEC. 6. *And be it further enacted*, That courts-martial for the trial of militia shall be composed of militia officers only.

SEC. 7. *And be it further enacted*, That all fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court-martial, before whom the same shall be assessed, to the Marshal of the District in which the delinquent shall reside, or to one of his deputies, and also to the Supervisor of the Revenue of the same District, who shall record the said certificate in a book, to be kept for that purpose. The said Marshal or his deputy shall forthwith proceed to levy the said fines, with costs, by distress and sale of the goods and chattels of the delinquent; which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the State in which the same shall be in other cases of distress. And where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the Marshal of the District or his deputy may commit such delinquent to jail during the

term for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

SEC. 8. *And be it further enacted*, That the Marshals and their deputies shall pay all such fines by them levied to the Supervisor of the Revenue in the District in which they are collected within two months after they shall have received the same, deducting therefrom five per centum as a compensation for their trouble; and, in case of failure, the same shall be recoverable by action of debt or information in any Court of the United States of the district in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted, and recovered, in the name of the Supervisor of the District, with interest and costs.

SEC. 9. *And be it further enacted*, That the Marshals of the several Districts and their deputies shall have the same powers, in executing the laws of the United States, as Sheriffs and their deputies in the several States have, by law, in executing the laws of the respective States.

SEC. 10. *And be it further enacted*, That the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," passed the second day of May, one thousand seven hundred and ninety-two, shall be and the same is hereby repealed.

Approved, February 28, 1795.

An Act to continue in force, for a limited time, the acts therein mentioned.

Be it enacted, &c., That the act, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer;" and also the act, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," so far as the same provides for defraying the necessary expense of supporting light-houses, beacons, buoys, and public piers, and the stakeage of channels on the sea-coast; and also so much of the act, entitled "An act to provide for mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases, and to make further provision for the payment of pensions to invalids," as relates to the mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases, be, and the same hereby are continued in force until the end of the next session of Congress, and no longer.

Approved, March 2, 1795.

An Act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers have been or may hereafter be erected and fixed.

Be it enacted, &c., That where cessions have been, or hereafter may be made, by any State of the jurisdiction of places where light-houses, beacons, buoys, or public piers, have been erected and

Acts of Congress.

fixed, or may, by law, be provided to be erected or fixed, with reservation, that process, civil and criminal, issuing under the authority of such State, may be executed and served therein, such cessions shall be deemed sufficient, under the laws of the United States providing for the supporting or erecting of light-houses, beacons, buoys, and public piers.

SEC. 2. *And be it further enacted*, That where any State hath made or shall make a cession of jurisdiction, for the purposes aforesaid, without reservation, all process, civil and criminal, issuing under the authority of such State or the United States, may be served and executed within the places, the jurisdiction of which has been so ceded, in the same manner as if no such cession had been made.

Approved, March 2, 1795.

An Act relative to the passing of coasting vessels between Long Island and Rhode Island.

Be it enacted, &c., That coasting vessels going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to the said Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State.

Approved, March 2, 1795.

An Act to alter and amend an act, entitled "An act laying certain duties upon snuff and refined sugar."

Be it enacted, &c., That the duty of eight cents per pound on snuff, laid by the act of last session, entitled "An act laying certain duties upon snuff and refined sugar," shall cease on the last day of March, in the present year, and shall not thenceforth be collected; but, in lieu thereof, there shall be levied and collected upon all mills, employed in the manufacture of snuff within the United States, the following yearly rates and duties, to wit: For and upon each and every mortar, contained in any mill worked by water, and for every pair of millstones, employed in the manufacture of snuff, five hundred and sixty dollars; upon every pestle in any mill, other than mills worked by hand, one hundred and forty dollars; upon every pestle, in any mill worked by hand, one hundred and twelve dollars; and upon every mill in which snuff is manufactured, by stampers and grinders, two thousand two hundred and forty dollars per annum.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied, collected, and accounted for, by the same officers as are provided by the act, entitled, "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits, imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same;" subject to the superintendence and control of the Department of the Treasury, according to the respective authorities and duties of the officers thereof.

SEC. 3. *And be it further enacted*, That every person, who shall be a manufacturer of snuff, on the first day of April, in the present year, shall, within thirty days thereafter, and in each succeeding year, at least thirty days before the first day of April, make a true and exact entry or entries, in writing, at the office of inspection, which shall be nearest to the house or building, where he shall carry on the business or trade of manufacturing snuff, therein specifying, truly and particularly, every house or building in which the said manufacture shall be carried on, with the number of mortars in every mill by him owned, occupied, or used, and worked by water, and every pair of millstones, used or employed in the manufacture of snuff, and every pestle, in every mill, as aforesaid, distinctly specifying such pestles as are worked by other means than by hand, and, also, every pestle worked by hand, as also every mill in which snuff is manufactured by stampers and grinders: And every person, who shall commence the business or trade of manufacturing snuff, after the said first day of April, shall, at least thirty days before commencing such manufacture, make like entry or entries yearly, in manner as is before directed, and in failure thereof, every such manufacturer shall forfeit and lose every mill, in respect to which such entry shall not be made, with the utensils thereto belonging, and shall also forfeit and pay the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 4. *And be it further enacted*, That every person, who shall be, on the first day of April, in the present year, or at any time thereafter, a manufacturer of snuff, within the United States, and who shall have made the entry or entries hereinbefore directed, shall be entitled on application therefor, in writing, by himself, or his agent, or attorney, to the officer of inspection with whom entry shall have been made, to receive a license for each and every mill by him owned, occupied, or used, in carrying on the said manufacture of snuff, for the term of one year, which license shall be granted without fee or charge, upon the condition of giving a bond or bonds, with one or more sufficient sureties, for the amount of the duty or duties, for one year, which, according to this act, ought to be paid for and upon the mill, in respect to which the said license is requested, with condition to pay the same in three equal parts: one-third part at the expiration of nine months, another third part at the expiration of twelve months, and the remaining third part at the expiration of fifteen months, from the date of such license: *Provided*, That in lieu of the said bond or bonds, it shall be at the option of the manufacturer to pay the said amount of the said duty immediately, with a deduction or abatement of six per cent.

SEC. 5. *And be it further enacted*, That the licenses, herein directed to be granted, shall be prepared by the supervisors of the revenue, respectively, pursuant to such forms as shall be prescribed by the Treasury Department; and, when issued, such licenses shall, in respect to all persons who shall be manufacturers of snuff, on the first day of April, in the present year, bear date on the

Acts of Congress.

said day; and in respect to all persons who shall thereafter commence the said manufacture, such license shall hear date on the first day of the quarter of the year in which the said licenses shall be issued, and the said quarters of the year shall be deemed and are hereby declared to commence on the first days of January, April, July, and October, in each year.

Sec. 6. *And be it further enacted*, That every manufacturer of snuff, to whom a license shall have been granted, so long as he, or she, shall intend to carry on the business of manufacturing snuff, shall yearly, and every year within the thirty days immediately preceding the expiration of each license, apply for a new license for the next succeeding year, in manner heretofore directed, and, in like manner, shall pay or secure the payment of the duties for such year.

Sec. 7. *And be it further enacted*, That if, after the first day of April next, any person shall carry on the business of manufacturing snuff, without a license for that purpose, according to this act, or shall carry on the same at or with any mill, other than that mentioned in such license, such manufacturer, so offending, shall forfeit and pay, upon every conviction of such offence, treble the yearly amount of the duty hereby charged upon the mill or mills, wherein or whereby the said business shall be so carried on. And all duties and penalties imposed by this act, shall attach to, and remain as a lien upon, each and every mill, in respect to which such duty or penalty shall have accrued, until the same be fully satisfied and paid.

Sec. 8. *And be it further enacted*, That upon all snuff, which, after the last day of March, in the year one thousand seven hundred and ninety-five, shall be manufactured in the United States, and shall be exported therefrom, under the limitations and provisions hereinafter prescribed, the exporter or exporters thereof shall be entitled to a drawback of six cents per pound: *Provided*, That the quantity exported, at any one time, by the same person, shall amount to three hundred pounds.

Sec. 9. *And be it further enacted*, That in order to entitle the exporter or exporters of any snuff, to a drawback thereon, every such person shall, previous to the removal thereof from the mill or warehouse, where the same may be, make out, in writing, an exact entry, in which shall be specified the outward packages, in which the same is intended to be exported, the name of the manufacturer, and the marks and numbers of each, the quantity of snuff in each package, and the number of bottles, canisters, bladders, or other packages, containing the same, the name of the vessel and commander, in which such snuff is intended to be exported; and shall make oath or affirmation to the truth of such entry, that the snuff therein specified was manufactured in the United States, after the last day of March, one thousand seven hundred and ninety-five, and the name or names of the person by whom, and the mill where, it was manufactured, and that the same is truly and bona fide intended to be exported out of the United States, and that no part thereof is intended to be

relanded therein. And upon such entry being so made and certified, it shall be the duty of the collector to whom such entry is tendered to cause the said packages to be examined, and to permit the same to be exported, under the inspection of an officer of the customs, in like manner as is provided for the exportation of other goods, wares, and merchandise entitled to drawback: *Provided*, That no drawback shall be allowed on any snuff, except the same shall be exported from any of the ports, at which ships or vessels from the Cape of Good Hope, or from any place beyond the same, are admitted to make entry.

Sec. 10. *And be it further enacted*, That every exporter of snuff entitled to drawback, shall enter into bonds, with one or more sureties, in an amount equal to double the amount of the drawback, conditioned that the same shall not be relanded within the United States; and the master or commander of the ship or vessel, in which such snuff is reported to be shipped, shall make oath or affirmation, that the packages specified in the outward entry, are actually laden on board his ship or vessel, and that the same, or any part thereof, shall not be relanded in the United States; and upon such oath or affirmation being made, and the other provisions of the act being complied with, the collector, with whom such entry is made, shall grant a debenture or debentures, for the amount of the drawback to which such snuff is entitled, payable in twelve months from the time of granting the same; and such debenture or debentures shall be discharged by the collector granting the same, at the expiration of the term, out of any public money in his hands.

Sec. 11. *Provided always, and be it further enacted*, That before the payment of any debenture, the person demanding such payment shall produce to the collector the oath or affirmation of the master and mate of the vessel, (in which the snuff, for which such debenture was granted,) declaring that the same was actually landed in some foreign port or place, and was not, or any part thereof, to the best of their knowledge and belief, relanded or brought back to the United States; and the person demanding such payment shall likewise make oath or affirmation, in like manner, that the snuff for which such debenture was granted, was not, according to his best knowledge and belief, relanded in, or brought back to, the United States: *Provided, also*, That in cases of loss at sea, or other unavoidable accident, whereby the oath or affirmation of the captain or mate of the ship or vessel cannot be obtained, it shall be lawful for the Comptroller of the Treasury, to admit such other proof as to him shall appear satisfactory, under the special circumstances of the case.

Sec. 12. *And be it further enacted*, That if any snuff entered for exportation, with intention to obtain a drawback thereon, shall be relanded or attempted to be relanded within the United States, it shall be subject to seizure and forfeiture, together with the ship or vessel from which it shall be unladen, and the vessel or boat in which it shall be put; and the master or commander of the ship

or vessel from which the same is unladen, shall, moreover, forfeit and pay five hundred dollars: *Provided*, That every prosecution for any such offence shall be commenced within twelve months from the time when the same was committed, and that the ship, vessel, or boat, from which any such snuff shall be unladen or landed, shall continue subject to such seizure and forfeiture for twelve months from the time the offence was committed, and no longer.

SEC. 13. *And be it further enacted*, That it shall be the duty of the collectors granting debentures for snuff exported, to keep a separate account thereof, and to specify the mill or mills in which each parcel exported, was manufactured. And the Secretary of the Treasury shall cause an account to be laid before the Legislature, annually, of the produce of the revenue, arising from snuff, and of the amount of the drawbacks for which debentures have been granted in each year.

SEC. 14. *And be it further enacted*, That all penalties and forfeitures which shall be incurred pursuant to this act, shall be divided and distributed, one half thereof to the use of the United States, and the other half thereof to the use of the person, who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter, or thing, whereby any of the said penalties and forfeitures shall have been incurred.

SEC. 15. *And be it further enacted*, That it shall be lawful for the President of the United States, who is hereby empowered to make such compensation to the officers of inspection, employed in the collection of the duties aforesaid, and on refined sugar, and on the duties upon carriages for the conveyance of persons, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole five per centum of the total amount of the said duties collected.

SEC. 16. *And be it further enacted*, That, from and after the last day of March, in the present year, the several clauses and provisions of the act, entitled "An act, laying certain duties upon snuff and refined sugar," so far as the same shall relate to the laying and collecting of duties on snuff manufactured in the United States, shall be, and the same are hereby, repealed; except as to the recovery and receipt of such duties on snuff as shall then have accrued, and the payment of drawbacks on snuff exported, and as to the recovery of any penalties and forfeitures, which shall have been incurred before and on the said day, but the revenue to arise from the duty on snuff manufactured within the United States shall remain charged with the same appropriations as if this act had not passed; and that this act shall continue in force until the first day of March, one thousand eight hundred and one.

Approved, March 3, 1795.

An Act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject.

Be it enacted, &c., That the present Military Establishment of the United States, composed of a

corps of artillerists and engineers, to consist of nine hundred and ninety-two non-commissioned officers, privates, and musicians; and of a legion, to consist of four thousand eight hundred non-commissioned officers, privates, and musicians, be, and the same is hereby continued.

SEC. 2. *And be it further enacted*, That the said corps of artillerists and engineers be completed, conformably to the act of the eighth of May last, establishing the same, and prescribing the number and term of enlistments, and the method of organization.

SEC. 3. *And be it further enacted*, That the legion of the United States be also completed, to the number of four thousand eight hundred non-commissioned officers, privates, and musicians, by voluntary enlistments for the term of three years; and that the sub-legions composing the same, be organized in such manner as the President of the United States shall direct: *Provided, nevertheless*, That no such enlistment shall be made after three years from the passing of this act.

SEC. 4. *And be it further enacted*, That it shall be stipulated as a condition in the enlistments for cavalry, that they shall serve as dismounted dragoons, when ordered so to do; and that, in all cases of enlistments of the troops of every description, there be expressly reserved to the Government a right to discharge the whole or any part thereof, at such times, and in such proportions, as may be deemed expedient.

SEC. 5. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive, for every able bodied recruit duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

SEC. 6. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom subsequent to the third day of March last, who shall re-enlist, a bounty of sixteen dollars; and to each person not now in the Army of the United States, or discharged as above, who shall hereafter enlist, a bounty of fourteen dollars; but the payment of four dollars of the bounty of each and every man so enlisting, shall be deferred until he shall have joined the corps in which he is to serve.

SEC. 7. *And be it further enacted*, That every non-commissioned officer, private, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles; and that there be furnished to the cavalry and riflemen, such clothing as shall be the most suitable and best adapted to the nature of the service, having regard therein, as nearly as may be to the value of the clothing allowed as above, to the infantry and artillery.

SEC. 8. *And be it further enacted*, That every non-commissioned officer, private, and musician,

shall receive, daily, the following rations of provision, to wit: one pound of beef, or three-quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations, or the value thereof, at the contract price, where the same shall become due: and if, at such post, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

SEC. 9. *Provided always, and be it further enacted*, That to those in the military service of the United States who are, or shall be employed on the Western Frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations.

SEC. 10. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians, and privates on the Military Establishment of the United States, be as follows, to wit:—General Staff—a Major General, one hundred and sixty-six dollars; a Brigadier General, one hundred and four dollars; a Quartermaster General, one hundred dollars; Adjutant General, to do also the duty of Inspector, seventy-five dollars; Chaplain, fifty dollars; Surgeon, seventy dollars; Deputy Quartermaster, fifty dollars; Aid-de-Camp, in addition to his pay in the line, twenty-four dollars; Brigade Major, to act also as Deputy Inspector, in addition to his pay in the line, twenty-four dollars: Principal Artificer, forty dollars; Second Artificer, twenty-six dollars.—Regimental.—Lieutenant Colonel commandant, seventy-five dollars; Major of artillery and Major of dragoons, fifty-five dollars; Major of infantry, fifty dollars; Paymaster Adjutant, and Quartermaster, in addition to their pay in the line, ten dollars; Captains, forty dollars; Lieutenants, twenty-six dollars; Ensigns and Cornets, twenty dollars; Surgeons, forty-five dollars; Surgeon's-mates, thirty dollars; Sergeant-majors and Quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry, light dragoons, and artillery, nine dollars; matrons and nurses in the hospital, eight dollars.

SEC. 11. *And be it further enacted*, That the commissioned officers aforesaid shall be entitled to receive for their daily subsistence, the following number of rations of provisions, to wit: a Major General fifteen rations; a Brigadier General, twelve rations; a Lieutenant Colonel commandant, and Quartermaster-General, each six rations; a Major four rations; Brigade Major and Aid-de-Camp, four rations; a Captain three rations; a Lieutenant, ensign, or cornet, two rations; a Surgeon, as well hospital as regimental, three rations; a Surgeon's Mate, two rations; a Deputy Quartermaster, two rations; a principal and second artificer, each, two

rations; a Chaplain, two rations, or money in lieu thereof, at the option of the said officers, at the contract price, at the posts, respectively, where the rations shall become due.

SEC. 12. *And be it further enacted*, That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: the Major General, twenty dollars; the Brigadier General, sixteen dollars; Lieutenant Colonel, twelve dollars; Quartermaster General, Adjutant General, and Surgeon General, each, twelve dollars; Major, ten dollars; Aid-de-Camp, Brigade Major, and Surgeon, each, ten dollars; Captain of cavalry, eight dollars; Chaplain and Surgeon's Mate, each, six dollars; Deputy Quartermaster and subalterns of cavalry, each, six dollars; Principal Artificer, Paymaster, Adjutant, and regimental Quartermaster, each, six dollars.

SEC. 13. *And be it further enacted*, That, if any officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided, always*, That the rate of compensation to be allowed for such wounds or disabilities to a commissioned officer shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month: *And provided, also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 14. *And be it further enacted*, That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war which have been established by the United States in Congress assembled, as far as the same may be applicable to the Constitution of the United States, or by such rules and articles as may hereafter by law be established.

SEC. 15. *And be it further enacted*, That every officer, non-commissioned officer, private, and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear (or affirm, as the case may be,) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers, whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 16. *And be it further enacted*, That it shall be lawful for the President of the United States to arm the troops aforesaid, whether riflemen, artillerymen, dragoons, or infantry, as he shall think proper; and that it be also lawful for him to forbear to raise, or to discharge, after they shall be raised, any part thereof, in case events shall, in his

judgment, render his so doing consistent with public safety, and general convenience and economy.

SEC. 17. *And be it further enacted*, That every person who shall procure or entice a soldier in the service of the United States, to desert, or who shall conceal such soldier, knowing him to have deserted, or who shall purchase from such soldier his arms, or his uniform clothing, or any part thereof: and every Captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the Court, in any sum not exceeding three hundred dollars, or be imprisoned for any term not exceeding one year.

SEC. 18. *And be it further enacted*, That the several acts, entitled "An act for regulating the Military Establishment of the United States;" "An act for raising and adding another regiment to the Military Establishment of the United States, and for making further provision for the protection of the frontiers;" "An act for making further and more effectual provision for the protection of the frontiers of the United States," be, and the same are hereby repealed; and, also, so much of any act or acts of the present session, as comes within the purview of this act: *Provided, always*, That nothing in this section contained shall be so construed, as to vacate the commissions which have been issued, or any appointments or enlistments which have been made in pursuance of the acts herein repealed.

Approved, March 3, 1795.

An Act making further provision for the support of Public Credit, and for the redemption of the Public Debt.

Be it enacted, &c., That it shall be lawful for the Commissioners of the Sinking Fund, and they are hereby empowered, with the approbation of the President of the United States, to borrow, or cause to be borrowed from time to time, such sums, in anticipation of the revenue appropriated, not exceeding, in one year, one million of dollars, to be reimbursed within a year from the time of each loan, as may be necessary for the payment of the interest which shall annually accrue on the public debt; and for the payment of the interest on any such temporary loan, which shall not exceed six per centum per annum, so much of the proceeds of the duties on goods, wares and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, as may be necessary, shall be, and are hereby, appropriated.

SEC. 2. *And be it further enacted*, That a loan be opened at the Treasury, to the full amount of the present foreign debt, to continue open until the last day of December, in the year one thousand seven hundred and ninety-six, and that the sums which may be subscribed to the said loan shall be payable and receivable, by way of exchange, in

equal sums of the principal of the said foreign debt; and that any sum so subscribed and paid shall bear an interest equal to the rate of interest which is now payable on the principal of such part of the foreign debt as shall be paid or exchanged therefor, together with an addition of one-half per centum per annum; the said interest to commence on the first day of January next succeeding the time of each subscription, and to be paid quarterly, at the same periods at which interest is now payable and paid upon the domestic funded debt: *Provided*, That the principal of the said loan may be reimbursed at any time, at the pleasure of the United States.

SEC. 8. *And be it further enacted*, That credits to the respective subscribers for the sums by them respectively subscribed to the said loan, shall be entered and given on the books of the Treasury in like manner as for the present domestic funded debt; and that certificates therefor, of a tenor conformable with the provisions of this act, signed by the Register of the Treasury, shall issue to the several subscribers, and that the said credits, or stock standing in the names of the said subscribers, respectively, shall be transferable, in like manner, and by the like ways and means, as are provided by the seventh section of the act aforesaid, entitled "An act making provision for the debt of the United States," touching the credits or stock therein mentioned; and that the interest to be paid upon the stock which shall be constituted by virtue of the said loan shall be paid at the offices or places where the credits for the same shall from time to time stand or be, subject to the like conditions and restrictions as are prescribed in and by the eighth section of the act last aforesaid.

SEC. 4. *And be it further enacted*, That the interest and principal of all loans authorized by this act shall be made payable at the Treasury of the United States only, so far as relates to the payment of the principal and interest of the domestic debt.

SEC. 5. *And be it further enacted*, That so much of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, heretofore appropriated for the interest of the foreign debt, as may be liberated or set free, by subscriptions to the said loan, together with such further sums of the proceeds of the said duties as may be necessary, shall be, and they are hereby, pledged and appropriated, for the payment of the interest which shall be payable upon the sums subscribed to the said loan, and shall continue so pledged and appropriated until the principal of the said loan shall be fully reimbursed and redeemed: *Provided, always*, That nothing herein contained shall be construed to alter, change, or in any manner affect the provisions heretofore made concerning the said foreign debt, according to contract, either during the pendency of the said loan or after the closing thereof; but every thing shall proceed, touching the said debt, and every part thereof, in the same manner as if this act had never been passed, except as to such holders there-

of as may subscribe to the said loan, and from the time of the commencement thereof in each case, that is, when interest on any sum subscribed shall begin to accrue.

SEC. 6. *And be it further enacted*, That the several and respective duties laid and contained in and by the act, entitled "An act laying additional duties on goods, wares, and merchandise imported into the United States," passed the seventh day of June, one thousand seven hundred and ninety-four, shall, together with the other duties heretofore charged with the payment of interest on the public debt, continue to be levied, collected, and paid, until the whole of the capital or principal of the present debt of the United States, and future loans which may be made pursuant to law, for the exchange, reimbursement, or redemption thereof, or of any part thereof, shall be reimbursed or redeemed, and shall be, and hereby are, pledged and appropriated for the payment of interest upon the said debt and loans, until the same shall be so reimbursed or redeemed.

SEC. 7. *And be it further enacted*, That the reservation made by the fourth section of the aforesaid act, entitled "An act making provision for the reduction of the public debt," be annulled, and, in lieu thereof, that so much of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, as may be necessary, be, and the same hereby are, substituted, pledged, and appropriated for satisfying the purpose of the said reservation.

SEC. 8. *And be it further enacted*, That the following appropriations, in addition to those heretofore made be made, to the fund constituted by the seventh section of the act, entitled "An act supplementary to the act making provision for the debt of the United States," passed the eighth day of May, one thousand seven hundred and ninety-two, to be hereafter denominated "The Sinking Fund," to wit: First. So much of the proceeds of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and on spirits distilled within the United States, and stills, as, together with the moneys which now constitute the said fund, and shall accrue to it, by virtue of the provisions hereinbefore made, and by the interest upon each instalment, or part of principal which shall be reimbursed, will be sufficient, yearly and every year, commencing the first day of January next, to reimburse and pay so much as may rightfully be reimbursed and paid, of the principal of that part of the debt or stock which, on the said first day of January next, shall bear an interest of six per centum per annum, redeemable by payments on account both of principal and interest, not exceeding, in one year, eight per centum, excluding that which shall stand to the credit of the Commissioners of the Sinking Fund, and that which shall stand to the credit of certain States, in consequence of the balances reported in their favor by the Commissioners for settling accounts between the United States and individual States: Secondly. The dividends which shall be from time to time declared on

so much of the stock of the Bank of the United States as belongs to the United States, (deducting thereout such sums as will be requisite to pay interest on any part remaining unpaid of the loan of two million of dollars had of the Bank of the United States, pursuant to the eleventh section of the act by which the said Bank is incorporated :) Thirdly. So much of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and on spirits distilled within the United States, and stills, as, with the said dividends, after such deduction, will be sufficient, yearly and every year, to pay the remaining instalments of the principal of the said loan as they shall become due, and as, together with any moneys which, by virtue of provisions in former acts, and hereinbefore made, shall, on the first day of January, in the year one thousand eight hundred and two, belong to the said Sinking Fund, not otherwise specially appropriated; and with the interest on each instalment, or part of principal, which shall from time to time be reimbursed or paid of that part of the debt or stock, which, on the first day of January, in the year one thousand eight hundred and one, shall begin to bear an interest of six per centum per annum, will be sufficient, yearly and every year, commencing on the first day of January, in the year one thousand eight hundred and two, to reimburse and pay so much as may rightfully be reimbursed and paid of the said principal of the said debt or stock which shall so begin to bear an interest of six per centum per annum, on the said first day of January, in the year one thousand eight hundred and one, excluding that which shall stand to the credit of the Commissioners of the Sinking Fund and that which shall stand to the credit of certain States, as aforesaid: Fourthly. The nett proceeds of the sales of lands belonging, or which shall hereafter belong to the United States, in the Western Territory thereof: Fifthly. All moneys which shall be received into the Treasury on account of debts due to the United States by reason of any matter prior to their present Constitution: And, lastly. All surplusses of the revenues of the United States which shall remain, at the end of any calendar year, beyond the amount of the appropriations charged upon the said revenues, and which, during the session of Congress next thereafter, shall not be otherwise specially appropriated or reserved by law.

SEC. 9. *And be it further enacted*, That as well the moneys which shall accrue to the said Sinking Fund, by virtue of the provisions of this act, as those which shall have accrued to the same by virtue of the provisions of any former act or acts, shall be under the direction and management of the Commissioners of the Sinking Fund, or the officers designated in and by the second section of the act, entitled "An act making provision for the reduction of the Public Debt," passed the twelfth day of August, one thousand seven hundred and ninety, and their successors in office; and shall be and continue appropriated to the said fund until the whole of the present debt of the United States, foreign and domestic, funded and unfunded, including future loans, which

Acts of Congress.

may be made for reimbursing or redeeming any instalments or parts of principal of the said debt, shall be reimbursed and redeemed; and shall be, and are hereby declared to be, vested in the said Commissioners, in trust, to be applied according to the provisions of the aforesaid act of the eighth day of May, in the year one thousand seven hundred and ninety-two, and of this act, to the reimbursement and redemption of the said debt, including the loans aforesaid, until the same shall be fully reimbursed and redeemed. And the faith of the United States is hereby pledged that the moneys or funds aforesaid shall inviolably remain and be appropriated and vested, as aforesaid, to be applied to the said reimbursement and redemption, in manner aforesaid, until the same shall be fully and completely effected.

SEC. 10. *And be it further enacted*, That all reimbursements of the capital or principal of the Public Debt, foreign and domestic, shall be made under the superintendence of the Commissioners of the Sinking Fund, who are hereby empowered and required, if necessary, with the approbation of the President of the United States, as any instalments or parts of the said capital or principal become due, to borrow, on the credit of the United States, the sums requisite for the payment of the said instalments or parts of principal: *Provided*, That any loan which may be made to the said Commissioners shall be liable to reimbursement at the pleasure of the United States; and that the rate of interest thereupon shall not exceed six per centum per annum; and, for greater caution, it is hereby declared that it shall be deemed a good execution of the said power to borrow, for the said Commissioners, with the approbation of the President, to cause to be constituted certificates of stock, signed by the Register of the Treasury, for the sums to be respectively borrowed, bearing an interest of six per centum per annum, and redeemable at the pleasure of the United States; and to cause the said certificates of stock to be sold in the market of the United States, or elsewhere: *Provided*, That no such stock be sold under par. And for the payment of interest on any sum or sums which may be so borrowed, either by direct loans or by the sale of certificates of stock, the interest on the sum or sums which shall be reimbursed by the proceeds thereof, (except that upon the funded stock, bearing and to bear an interest of six per centum, redeemable by payments, not exceeding in one year eight per centum on account both of principal and interest,) and so much of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and upon stills, as may be necessary, shall be, and hereby are, pledged and appropriated.

SEC. 11. *And be it further enacted*, That it shall be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid, out of the said fund, yearly and every year, at the Treasury of the United States, the several and respective sums following, to wit: First—Such sum and sums as, according to the right for that purpose

reserved, may rightfully be paid for, and towards the reimbursement or redemption of such Debt or stock of the United States, as, on the first day of January next, shall bear an interest of six per centum per annum, redeemable by payments, not exceeding in one year eight per centum, on account both of principal and interest, excluding that standing to the credit of the Commissioners of the Sinking Fund, and that standing to the credit of certain States, as aforesaid, commencing the said reimbursement or redemption on the said first day of January next. Secondly—Such sum and sums as, according to the conditions of the aforesaid Loan, had of the Bank of the United States, shall be henceforth payable towards the reimbursement thereof, as the same shall respectively accrue. Thirdly—Such sum and sums, as according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of such Debt or stock of the United States as, on the first day of January, in the year one thousand eight hundred and one, shall begin to bear an interest of six per centum per annum, redeemable by payments, not exceeding in one year eight per centum, on account both of principal and interest, excluding that standing to the credit of the Commissioners of the Sinking Fund, and that standing to the credit of certain States, as aforesaid, commencing the said reimbursement or redemption, on the first day of January, in the year one thousand eight hundred and two; and also to cause to be applied all such surplus of the said fund as may at any time exist, after satisfying the purposes aforesaid, towards the further and final redemption of the present Debt of the United States, foreign and domestic, funded and unfunded, including loans for the reimbursement thereof, by payment or purchase, until the said Debt shall be completely reimbursed or redeemed.

SEC. 12. *Provided always, and be it further enacted*, That nothing in this act shall be construed to vest in the Commissioners of the Sinking Fund a right to pay, in the purchase or discharge of the unfunded Domestic Debt of the United States, a higher rate than the market price or value of the Funded Debt of the United States: *And, provided also*, That if, after all the debts and loans aforesaid, now due, and that shall arise under this act, excepting the said Debt or stock bearing an interest of three per cent., shall be fully paid and discharged, any part of the principal of the said Debt or stock bearing an interest of three per cent., as aforesaid, shall be unredeemed, the Government shall have liberty, if they think proper, to make other and different appropriations of the said funds.

SEC. 13. *And be it further enacted*, That all priorities heretofore established in the appropriations by law, for the interest on the Debt of the United States, as between the different parts of the said Debt, shall, after the year one thousand seven hundred and ninety-six, cease, with regard to all creditors of the United States who do not, before the expiration of the said period, signify, in writing, to the Comptroller of the Treasury, their dissent therefrom; and that thenceforth, with the

Acts of Congress.

exception only of the debts of such creditors who shall so signify their dissent, the funds or revenues charged with the said appropriations shall, together, constitute a common or consolidated fund, chargeable indiscriminately, and without priority, with the payment of the said interest.

SEC. 14. *And be it further enacted*, That all certificates, commonly called Loan Office certificates, final settlements, and indents of interest, which, at the time of passing this act, shall be outstanding, shall, on or before the first day of January, in the year one thousand seven hundred and ninety-seven, be presented at the office of the Auditor of the Treasury of the United States, for the purpose of being exchanged for other certificates of equivalent value and tenor, or, at the option of the holders thereof, respectively, to be registered at the said office, and returned; in which case it shall be the duty of the said Auditor to cause some durable mark or marks to be set on each certificate, which shall ascertain and fix its identity, and whether genuine, or counterfeit, or forged; and every of the said certificates which shall not be presented at the said office within the said time, shall be forever after barred or precluded from settlement of allowance.

SEC. 15. *And be it further enacted*, That if any transfer of stock standing to the credit of a State shall be made pursuant to the act, entitled "An act authorizing the transfer of the stock standing to the credit of certain States," passed the second day of January, in this present year, after the last day of December next, the same shall be upon condition, that it shall be lawful to reimburse, at a subsequent period of reimbursement, so much of the principal of the stock so transferred as will make the reimbursement thereof equal in proportion and degree to that of the same stock transferred previous to the said day.

SEC. 16. *And be it further enacted*, That, in regard to any sum which shall have remained unexpended upon any appropriation other than for the payment of interest on the Funded Debt; for the payment of interest upon, and reimbursement, according to contract, of any loan or loans made on account of the United States, for the purposes of the Sinking Fund, or for a purpose in respect to which a longer duration is specially assigned by law, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the Treasury, to be denominated "The Surplus Fund." But no appropriation shall be deemed to have so ceased and been determined until after the year one thousand seven hundred and ninety-five, unless it shall appear to the Secretary of the Treasury, that the object thereof hath been fully satisfied; in which case it shall be lawful for him to cause to be carried the unexpended residue thereof to the said account of "the Surplus Fund."

SEC. 17. *And be it further enacted*, That the Department of the Treasury, according to the respective duties of the several officers thereof, shall

establish such forms and rules of proceeding for and touching the execution of this act as shall be conformable with the provisions thereof.

SEC. 18. *And be it further enacted*, That all the restrictions and regulations heretofore established by law for regulating the execution of the duties enjoined upon the Commissioners of the Sinking Fund shall apply to and be in as full force for the execution of the analogous duties enjoined by this act as if they were herein particularly repeated and re-enacted: and a particular account of all sales of stock, or of loans by them made, shall be laid before Congress within fourteen days after their meeting next after the making of any such loan or sale of stock.

SEC. 19. *And be it further enacted*, That in every case in which power is given by this act to make a loan, it shall be lawful for such loan to be made of the Bank of the United States, although the same may exceed the sum of fifty thousand dollars.

SEC. 20. *And be it further enacted*, That so much of the act laying duties upon carriages for the conveyance of persons, and of the act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail, and of the act laying certain duties upon snuff and refined sugar, and of the act laying duties on property sold at auction, as limits the duration of the said several acts, be, and the same is hereby repealed; and that all the said several acts be, and the same are hereby, continued in force until the first day of March, one thousand eight hundred and one.

Approved, March 3, 1795.

An Act making further appropriations for the Military and Naval Establishments, and for the support of Government.

Be it enacted, &c., That, including the appropriation of five hundred thousand dollars, made for the Military Establishment for the year one thousand seven hundred and ninety-five, by an act of the present session, there be appropriated for the said Military Establishment a sum not exceeding one million four hundred and sixty-nine thousand four hundred and thirty-nine dollars and twenty-nine cents—that is to say: For the pay of the legion of the United States, three hundred and four thousand five hundred and forty-eight dollars. For the pay of the corps of artillery, fifty-six thousand eight hundred and sixty-eight dollars. For subsistence of the legion and artillery, three hundred and sixty-one thousand seven hundred and nineteen dollars and thirty cents. For forage and cavalry, thirty-three thousand seven hundred and twenty dollars. For clothing, one hundred and twenty thousand four hundred and forty dollars. For equipments for the cavalry, seven thousand three hundred and fourteen dollars. For horses for the cavalry, twenty-four thousand dollars. For bounty, five thousand dollars. For the hospital department, twenty thousand dollars. For the ordnance department, eleven thousand three hundred and sixty-five dollars and ninety-nine cents. For the Indian depart-

Acts of Congress.

ment, eighty thousand dollars. For the quartermaster's department, one hundred and fifty thousand dollars. For contingencies of the War Department, thirty thousand dollars. For the defensive protection of the frontiers, one hundred and thirty thousand dollars. For the completion of the fortifications, fifty thousand dollars. For additional pay and bounty to the legion and artillery, pursuant to an act of the present session, seventy-seven thousand four hundred and sixty-four dollars.

SEC. 2. *And be it further enacted*, That, for defraying the expense of six months' pay and subsistence of a detachment of militia under the command of Major General Morgan, pursuant to an act of the present session, there be appropriated the sum of one hundred thousand six hundred and eighty-two dollars—that is to say: For the general staff, four thousand one hundred and thirty-four dollars. For Major Brooke's battalion, nineteen thousand eight hundred and forty-eight dollars. For Major Linn's battalion, twenty-one thousand three hundred dollars. For cavalry, twenty-three thousand four hundred dollars. For subsistence, twenty-four thousand dollars. For forage for officers and cavalry, eight thousand dollars.

SEC. 3. *And be it further enacted*, That the surplus which may remain unexpended of the sum of six hundred and eighty-eight thousand eight hundred and eighty-eight dollars and eighty-two cents, which was appropriated for the use of the Naval Department, in the year one thousand seven hundred and ninety-four, by an act passed the ninth day of June last, shall be, and the same is hereby, appropriated to the use of the said Naval Department, for the year one thousand seven hundred and ninety-five.

SEC. 4. *And be it further enacted*, That there be appropriated the several sums following, to wit: For the payment of military pensions, for the year one thousand seven hundred and ninety-five, eighty-five thousand three hundred and fifty-seven dollars and four cents; and a sum not exceeding ten thousand dollars for the contingent purposes of Government, subject to the disposition of the President of the United States.

SEC. 5. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the funds following, to wit: First—The surplus of the sum of six hundred thousand dollars, reserved by the "Act making provision for the Debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-five; Secondly—The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-five; and, Thirdly—The surplus which shall remain unexpended of the moneys appropriated to the use of the War Department for the year one thousand seven hundred and ninety-four.

SEC. 6. *And be it further enacted*, That the President of the United States be empowered to borrow, on behalf of the United States, of the

Bank of the United States, which is hereby authorized to lend the same, or of any other body or bodies politic, person or persons, any sum or sums not exceeding in the whole the sums herein appropriated, and to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the funds aforesaid.

Approved, March 3, 1795.

An Act supplementary to the act entitled "An act establishing a Mint, and regulating the coins of the United States."

Be it enacted, &c., That, for the better conducting of the business of the Mint of the United States, there shall be an additional officer appointed therein, by the name of the Melter and Refiner, whose duty shall be to take charge of all copper, and silver or gold bullion, delivered out by the Treasurer of the Mint, after it has been assayed, agreeably to the rules and customs of the Mint already directed and established, or which may hereafter be directed and established, by the accounting officers of the Treasury, and to reduce the same into bars or ingots, fit for the rolling mills, and then to deliver them to the Coiner or Treasurer, as the Director shall judge expedient; and to do and perform all other duties belonging to the office of a Melter and Refiner, or which shall be ordered by the Director of the Mint.

SEC. 2. *And be it further enacted*, That the Melter and Refiner of the said Mint shall, before he enters upon the execution of his said office, take an oath or affirmation before some Judge of the United States, faithfully and diligently to perform the duties thereof. And, also, shall become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, in the sum of six thousand dollars, with condition for the faithful and diligent performance of the several duties of his office.

SEC. 3. *And be it further enacted*, That there shall be allowed and paid to the said Melter and Refiner of the Mint, as a compensation for his services, the yearly salary of fifteen hundred dollars.

SEC. 4. *And be it further enacted*, That the Director of the Mint be, and hereby is, authorized, with the approbation of the President of the United States, to employ such person as he may judge suitable to discharge the duties of the Melter and Refiner, until a Melter and Refiner shall be appointed by the President, by and with the advice of the Senate.

SEC. 5. *And be it further enacted*, That the Treasurer of the Mint shall be, and he is hereby, directed to retain two cents per ounce from every deposit of silver bullion, below the standard of the United States, which hereafter shall be made for the purpose of refining and coining; and four cents per ounce from every deposit of gold bullion made as aforesaid, below the standard of the United States, unless the same shall be so far below the standard as to require the operation of

Acts of Congress.

the test, in which case the Treasurer shall retain six cents per ounce, which sum so retained shall be accounted for by the said Treasurer with the Treasurer of the United States, as a compensation for melting and refining the same.

SEC. 6. *And be it further enacted*, That the Treasurer of the Mint shall not be obliged to receive from any person, for the purpose of refining and coining, any deposit of silver bullion, below the standard of the United States, in a smaller quantity than two hundred ounces; nor a like deposit of gold bullion below the said standard, in a smaller quantity than twenty ounces.

SEC. 7. *And be it further enacted*, That, from and after the passing of this act, it shall and may be lawful for the officers of the Mint to give a preference to silver or gold bullion, deposited for coinage, which shall be of the standard of the United States, so far as respects the coining of the same, although bullion below the standard, and not yet refined, may have been deposited for coinage, previous thereto, any law to the contrary notwithstanding: *Provided*, That nothing herein shall justify the officers of the Mint, or any one of them, in unnecessarily delaying the refining any silver or gold bullion below standard, that may be deposited as aforesaid.

SEC. 8. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, whenever he shall think it for the benefit of the United States, to reduce the weight of the copper coin of the United States: *Provided*, Such reduction shall not, in the whole, exceed two pennyweights in each cent, and in the like proportion in a half cent; of which he shall give notice by Proclamation, and communicate the same to the then next session of Congress.

SEC. 9. *And be it further enacted*, That it shall be the duty of the Treasurer of the United States, from time to time, as often as he shall receive copper cents and half cents from the Treasurer of the Mint, to send them to the Bank or Branch Banks of the United States, in each of the States where such Bank is established; and where there is no Bank established, then to the Collector of the principal town in such State, (in the proportion of the number of inhabitants of such State,) to be by such Bank or Collector paid out to the citizens of the State for cash, in sums not less than ten dollars value: and that the same be done at the risk and expense of the United States, under such regulations as shall be prescribed by the Department of the Treasury.

Approved, March 3, 1795.

An Act for the more effectual recovery of debts due from individuals to the United States.

Be it enacted, &c., That the Comptroller of the Treasury be, and is hereby, authorized to issue a notification to any person who has received moneys for which he is accountable to the United States, or to the executor or administrator of such person, if he be deceased, requiring him to render to the Auditor of the Treasury, at such time as he shall think reasonable, according to the circum-

stances of the case, within twelve months from the date of such notification, all his accounts and vouchers, for the expenditure of the said moneys, and in default thereof, suits shall, at the discretion of the Comptroller of the Treasury be commenced for the same, without further notice. And the party sued as aforesaid, shall be subject to the costs and charges of such suits, whether the ultimate decision shall be in his favor or against him.

SEC. 2. *And be it further enacted*, That the Marshals of the respective districts be, and are hereby, authorized and directed to serve the said notifications on the parties therein named, by leaving copies thereof at their respective dwellings, or usual places of abode, at least four months before the time fixed in such notification for rendering their accounts, as aforesaid, and that the return of the said notifications to the Comptroller's office, with the Marshal's certificate thereon, that such service has been made, be deemed legal evidence in the District or Circuit Courts, of the proceedings, and for the recovery of costs and charges. And that in cases where accounts shall be rendered to the Auditor of the Treasury, within the time limited in the notifications aforesaid, he shall immediately proceed to liquidate the credits to be passed for the said accounts, and report the same to the Comptroller, with a particular list of any claims which shall have been disallowed by him. And that the Comptroller of the Treasury immediately proceed to the examination of the credits allowed by the Auditor, and if the same be approved by him, that he cause credit therefor to be passed on the public books. And the Comptroller shall also appoint a day for hearing the claimant on the claims so disallowed by the Auditor, as aforesaid.

SEC. 3. *And be it further enacted*, That a list of all such credits aforesaid, as shall have been claimed, and not admitted by the Comptroller, be made out and transmitted to the Marshal of the district, where the claimant resides; and that a copy thereof be served on the claimant, or left at his dwelling or last usual place of abode, with notice of the time assigned by the Comptroller, for the final hearing, as aforesaid, at least four months before such hearing; of which proceedings, the Marshal is hereby directed to transmit an official return to the Comptroller. And in case of omission or neglect on the part of the claimant to assign in writing, or otherwise, his reasons to the Comptroller, within the time limited, as aforesaid, why the suspended credits should be admitted, all future claims therefor shall be, and are hereby forever barred. But in case the claimant shall, within the time aforesaid, assign in writing, or otherwise, his reasons why the suspended credits should be admitted, the Comptroller shall immediately consider the same, and decide thereon according to the principles of equity, and the usages of the Treasury Department.

SEC. 4. *And be it further enacted*, That in all cases where the final decision of the Comptroller shall be against the claimant, such determination shall be final and conclusive to all concerned.

Approved, March 3, 1795.

Acts of Congress.

An Act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned.

Be it enacted, &c., That the President of the United States shall be, and he is hereby authorized and empowered to cause to be surveyed in the Territory Northwest of the Ohio, a tract of land situated on the northerly bank of the river Ohio, beginning one mile and a half on a straight line above the mouth of Little Sandy, thence down the said river Ohio, along the courses thereof eight miles when reduced to a straight line, thence at right angles from each extremity of the said line, so as to include the quantity of twenty-four thousand acres of land to be disposed as hereinafter directed.

SEC. 2. *And be it further enacted,* That the President be authorized to cause to be ascertained the number of French inhabitants and actual settlers of the town or settlement of Gallipolis, being males above eighteen years of age, or widows who are or shall be within the said town or settlement of Gallipolis on the first day of November next.

SEC. 3. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized and empowered, to issue letters patent in the name and under the seal of the United States, thereby granting to John Gabriel Gervais and his heirs, four thousand acres of land, part of the said twenty-four thousand acres to be located on the Northwest bank of the river Ohio opposite to the mouth of the Little Sandy with conditions in the said letters patent that if the said John Gabriel Gervais or his heirs, shall not personally within three years from the date of the same patent, settle on the same tract of land, and continue settled for three years next thereafter, the same letters patent shall be void and determine, and the title thereof revert in the United States, as if this law had not passed.

SEC. 4. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized and empowered to cause to be surveyed, laid off, and divided, the remaining twenty thousand acres of land, residue of the twenty-four thousand acres, into as many lots or parts as the actual settlers of Gallipolis shall, on the ascertainment aforesaid, amount to, and the same to be designated, marked, and numbered, on a plat thereof, to be returned to the Secretary of the said Territory, together with a certificate of the courses of the said lots, the said lots, or parts of the aforesaid tract, to be assigned to the settlers aforesaid by lot. And the President of the United States is hereby authorized and empowered, to issue letters patent as aforesaid, to the said actual settlers and their heirs, for the said twenty thousand acres to be held by them in severalty in lots to be designated and described by their numbers on the plat aforesaid, with condition in the same letters patent, that if one or more of the said grantees, his or her heirs or assigns, shall not, within five years from the date of the same letters, make or cause and procure to be made an actual settlement on the lot or lots assigned to him, her or them, and the same continue for five years there-

after, that then the said letters patent, so far as concerns the said lot or lots not settled and continued to be settled as aforesaid, shall cease and determine, and the title thereof shall revert in the United States in the same manner as if this law had not passed.

SEC. 5. *And be it further enacted,* That nothing in this act shall be taken or considered in any manner to impair or affect the claims of the said settlers against any person or persons, for or by reason of any contracts heretofore made by them, but that the same contracts shall be and remain in the same state as if this law had not passed.

Approved, March 3, 1795.

An Act for the more general promulgation of the Laws of the United States.

Be it enacted, &c., That for the more general promulgation of the Laws of the United States, the Secretary for the Department of State shall, after the end of the next session of Congress, cause to be printed and collated, at the public expense, a complete edition of the Laws of the United States, comprising the Constitution of the United States, the Public Acts then in force, and the Treaties, together with an index to the same.

SEC. 2. *And be it further enacted,* That, four thousand five hundred copies of the said edition, shall be divided by the said Secretary, among the respective States and the Territories Northwest and South of the river Ohio, according to the rule for apportioning representatives; and that the proportion of each State or Territory, shall be transmitted by the said Secretary to the Governor or Supreme Executive Magistrate thereof, to be deposited in such fixed and convenient place in each county, or other subordinate civil division of such State or Territory, as the Executive or Legislature thereof shall deem most conducive to the general information of the people; and that five hundred copies of the said edition be reserved for the future disposition of Congress.

SEC. 3. *And be it further enacted,* That the acts passed at each succeeding session of Congress, including future Treaties, shall be printed and distributed in like manner and proportion.

Approved, March 3, 1795.

An Act making provision for the purposes of trade with the Indians.

Be it enacted, &c., That a sum not exceeding fifty thousand dollars be appropriated to the purchase of goods for supplying the Indians within the limits of the United States, for the year one thousand seven hundred and ninety-five; and the sale of such goods be made under the direction of the President of the United States.

Approved, March 3, 1795.

An Act to regulate the compensation of Clerks.

Be it enacted, &c., That the Secretary of the Treasury, the Secretary of the Department of State, and the Secretary of the Department of

Acts of Congress.

War, be authorized to vary, for the present year, the compensation heretofore established for clerks in their respective Departments, in such manner as the services to be performed shall in their judgment require; so, however, that no principal clerk shall receive more than at the rate of one thousand dollars per annum, and that the aggregate of the compensations for clerks in either of the said Departments shall not for the said year exceed the aggregate of the compensations allowed for clerks in the same Department for the year one thousand seven hundred and ninety-four; and that an additional compensation not exceeding the rate of two hundred dollars per annum be allowed for one clerk employed by the Director of the Mint during the present year.

Sec. 2. *And be it further enacted*, That there be allowed for the year one thousand seven hundred and ninety-five, to the Commissioners of Loans in the States of Massachusetts and New York, respectively, not exceeding five clerks at the rate of five hundred dollars each; to the Commissioner of Loans in the State of Connecticut, not exceeding two clerks at the rate of four hundred dollars each; and to the Commissioner of Loans in the States of Pennsylvania, Virginia, and South Carolina respectively, not exceeding two clerks at

the rate of five hundred dollars each. The aggregate of the compensations for clerks employed by either of the said Commissioners to be apportioned among them at his discretion. That there be allowed for the year aforesaid, in lieu of clerk hire, to the Commissioner of Loans in the State of New Hampshire, three hundred and fifty dollars; to the Commissioner of Loans in the State of Rhode Island, four hundred dollars; to the Commissioner of Loans in the State of New Jersey, three hundred dollars; and to the Commissioner of Loans in the State of Maryland, two hundred and fifty dollars.

Approved, March 3, 1795.

An Act authorizing the exportation of arms, cannon, and military stores, in certain cases.

Be it enacted, &c., That in cases connected with the security of the commercial interest of the United States, and for public purposes only, the President of the United States be, and hereby is authorized to permit the exportation of arms, cannon, and military stores, the law prohibiting the exportation of the same to the contrary notwithstanding.

Approved, March 3, 1795.